

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTIETH DAY

(Monday, May 18, 2009)

The Senate met at 11:08 a.m. pursuant to adjournment and was called to order by President Pro Tempore Duncan.

The roll was called and the following Senators were present: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

The Reverend Dr. Stanley Meyer, Evangelical Lutheran Church in America, Dallas, offered the invocation as follows:

Open up a sacred space within us, O God, as we wait in silence amid the hustle of this legislative session. In this stillness, as one breath pauses in anticipation of the next, let us hear, as You hear, the true longings of our hearts. For we yearn for this people and this state, for their common welfare and aspirations, and we pray for the sacred trust they place in their leaders. For the opportunities that these next few hours offer us, for all that is truly good and worthy of human endeavor, for all that we have come here today intending to do, and all that we will leave here today having accomplished, we pray. For leadership that courts virtue, especially wisdom, integrity, vision, and compassion, for the ability to lead as we ourselves wish to be led, and to govern as we ourselves wish to be governed, we pray. Grant us the grace to know and to do all that this day requires as we prove worthy of this trust of service, leadership, and compassion. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Friday, May 15, 2009, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 2588

On motion of Senator Davis, Senator Watson will be shown as Co-author of **SB 2588**.

CO-SPONSOR OF HOUSE BILL 130

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-sponsor of **HB 130**.

CO-SPONSOR OF HOUSE BILL 3098

On motion of Senator Wentworth, Senator Watson will be shown as Co-sponsor of **HB 3098**.

CO-SPONSOR OF HOUSE BILL 3650

On motion of Senator Carona, Senator Lucio will be shown as Co-sponsor of **HB 3650**.

CO-SPONSOR OF HOUSE BILL 3653

On motion of Senator Davis, Senator Van de Putte will be shown as Co-sponsor of **HB 3653**.

CO-SPONSOR OF HOUSE BILL 3654

On motion of Senator Davis, Senator Van de Putte will be shown as Co-sponsor of **HB 3654**.

CO-SPONSOR OF HOUSE BILL 3951

On motion of Senator Davis, Senator Van de Putte will be shown as Co-sponsor of **HB 3951**.

CO-SPONSORS OF HOUSE BILL 4114

On motion of Senator Zaffirini, Senators Hinojosa and Lucio will be shown as Co-sponsors of **HB 4114**.

CO-SPONSOR OF HOUSE BILL 4294

On motion of Senator Shapiro, Senator Seliger will be shown as Co-sponsor of **HB 4294**.

CO-SPONSOR OF HOUSE JOINT RESOLUTION 39

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-sponsor of **HJR 39**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 86

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-sponsor of **HCR 86**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 176

On motion of Senator Williams, Senator Lucio will be shown as Co-sponsor of **HCR 176**.

PHYSICIAN OF THE DAY

Senator Whitmire was recognized and presented Dr. John Redman of Humble as the Physician of the Day.

The Senate welcomed Dr. Redman and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE RESOLUTION 900

Senator Watson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Dobie Middle School students Keiko Harris and Paul Mannie III on their outstanding achievements at the regional and state conferences of Business Professionals of America and on having earned the opportunity to attend the organization's National Leadership Conference; and

WHEREAS, Keiko is the Dobie Middle School Business Professionals of America chapter secretary; she won awards in business fundamentals and keyboarding at the regional leadership conference and earned a national qualifier ranking in keyboarding at the state competition; and

WHEREAS, Paul is the chapter president of Dobie Middle School Business Professionals of America; he earned six awards at the regional leadership conference, including three first-place awards in business communications, business fundamentals, and computer literacy; he earned a national qualifier ranking in extemporaneous speaking in the state competition; and

WHEREAS, Paul and Keiko are outstanding eighth-grade students at Dobie Middle School; they are both on the honor roll and have demonstrated leadership in school and community activities; Paul is active in school athletics and plays in the band and the drum line; Keiko is on the Dobie track team and participates in the theater arts program; and

WHEREAS, Keiko and Paul are exceptional students and sources of tremendous pride for their families, their fellow students, and the faculty and administrators of Dobie Middle School; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend Keiko Harris and Paul Mannie III on their outstanding achievements and extend to them best wishes for success in all their future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of esteem from the Texas Senate.

SR 900 was again read.

The resolution was previously adopted on Wednesday, May 13, 2009.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Paul Mannie III, grandson of Polly Emerson, and Keiko Harris, of Dobie Middle School in Austin, participants in the regional and state conferences of Business Professionals of America, accompanied by Trenell Smith-Johnson, advisor for Business Professionals of America, and Ellis Evans, Co-advisor.

The Senate welcomed its guests.

SENATE RESOLUTION 945

Senator Shapleigh offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Maria Ruiz for her compassion and generosity in improving the lives of underprivileged children and their families in Juarez; and

WHEREAS, For the last 13 years, Maria has traveled to Juarez, devoting time and energy to 12,000 children and their families living in conditions that include the lack of electricity and running water; and

WHEREAS, She has collected donations of food, toys, clothes, and other items from residents of El Paso and distributed them at designated areas to needy children; and

WHEREAS, Maria is currently working to help build a community kitchen and orphanage in Juarez which will feed 500 children daily and house 100 children; and

WHEREAS, Maria and her husband, Jesus, work several jobs to be able to support their philanthropy; Maria was named a finalist for CNN's Hero of the Year Award, and she used her prize money to help defray the costs of constructing the orphanage; and

WHEREAS, Compassionate and generous, Maria is truly deserving of recognition for her selfless efforts to aid the impoverished children of Juarez; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend Maria Ruiz on her generosity to those less fortunate and extend to her best wishes for success in all her future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of esteem from the Texas Senate.

SR 945 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapleigh was recognized and introduced to the Senate Maria Ruiz, accompanied by her husband, Jesus Ruiz; her daughter, Elizabeth Ruiz; and her son, Jesus Ruiz, Jr.

The Senate welcomed its guests.

SENATE RESOLUTION 630

Senator Watson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Austin Children's Shelter on the occasion of its 25th anniversary, which is being celebrated May 16, 2009; and

WHEREAS, The Austin Children's Shelter had its beginnings in 1984, when concerned citizens joined together with the intent of creating a shelter for the abused and neglected children of Austin and Travis County; the result was the birth of the Austin-Travis County Shelter for Infants and Children; and

WHEREAS, The shelter employed houseparents and provided a safe haven for six children at a time; by 1989 the shelter had employees working around-the-clock shifts and caring for up to 15 children and had changed its name to the Children's

Shelter and Assessment Center of Texas; in 1998, the center opened an additional home, Shelter Home II, so it could offer care for 30 children at a time, and the agency's name was changed to Austin Children's Shelter; and

WHEREAS, The shelter began to grow rapidly when Gena VanOsselaer joined as executive director in 2001; new programs included an in-house preschool program, an in-house medical program, and the Austin Children's Shelter Guild volunteer program; with support from donors, the shelter broke ground on a new campus in February of 2008, and the new facility will enable the shelter to care for 78 children at a time and will include five shelter cottages and an on-site charter school for children who need to stay at the shelter for long periods; and

WHEREAS, The Austin Children's Shelter is a high-quality shelter designed to decrease the emotional trauma suffered by neglected and abused children; it offers critical services and programs and provides group and individual therapy and educational support; its new facility, which is scheduled to open in the fall of 2009, will continue to be a beacon of hope and a safe haven for children in crisis; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Austin Children's Shelter for providing emergency shelter and high-quality care for the children of the Austin community and extend congratulations to all associated with the shelter on its 25 years of outstanding service; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the Austin Children's Shelter.

SR 630 was again read.

The resolution was previously adopted on Wednesday, April 15, 2009.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a delegation representing the Austin Children's Shelter.

The Senate welcomed its guests.

SENATE RESOLUTION 912

Senator Watson offered the following resolution:

SR 912, In memory of Cohnway Matthew Johnson of Rockdale.

The resolution was again read.

SR 912 was previously adopted on Thursday, May 14, 2009.

In honor of the memory of Cohnway Matthew Johnson, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate family members of Cohnway Matthew Johnson: his parents, Clifford and Candy Johnson, and his brother, Michael Johnson, accompanied by Robert Hartigan, District Chief of the Oak Hill Fire Department.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 633

Senator Jackson offered the following resolution:

SR 633, In memory of Damion Jon Hobbs of Houston.

JACKSON
GALLEGOS

The resolution was again read.

SR 633 was previously adopted on Wednesday, April 15, 2009.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate family members of Damion Jon Hobbs: his mother, Joyce Webb; his sister, Janice DeShazer; his nephew, Christopher Barnes; and his fiancée, Crystal Marin.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 634

Senator Gallegos offered the following resolution:

SR 634, In memory of James Arthur Harlow, Sr., of Pasadena.

GALLEGOS
JACKSON

The resolution was again read.

SR 634 was previously adopted on Wednesday, April 15, 2009.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate family members of Captain James Arthur Harlow, Sr.: his wife, Debbie Harlow; his parents, James and Virginia Harlow; his daughter, Brandy; and his son, James Harlow, Jr.

The Senate welcomed its guests and extended its sympathy.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:44 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE**SENATE BILL 1960 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1960** at this time on its second reading:

CSSB 1960, Relating to increased oversight, openness, transparency, and accountability for water supply or sewer service corporations.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1960** as follows:

(1) In SECTION 1 of the bill, in added Subsection (g), Section 67.005, Water Code (committee printing page 1, lines 22-23), strike "Except for voting authority, a" and substitute "A".

(2) In SECTION 1 of the bill, in added Subsection (g), Section 67.005, Water Code (committee printing page 1, line 24), between "director" and the period insert "except that such director does not have the right to vote or the right to participate in an executive session of the board of the corporation in which the board will receive legal advice concerning contracts or litigation relating to the municipality".

The amendment to **CSSB 1960** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Wentworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1960 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1960 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1960** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1232 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **HB 1232** at this time on its second reading:

HB 1232, Relating to establishing a local behavioral health intervention pilot project.

The motion prevailed.

Senators Estes and Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1232** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike Subsection (b)(2)(B) (page 1, lines 37 and 38) and substitute the following:

(B) a consent form:

(i) by which parents may give or refuse consent to share information with a specific agency or provider that collaborates in the provision of treatment or service to a child;

(ii) that informs a parent that the parent has the right to withhold consent and may withdraw consent at any time; and

(iii) that informs the parent of the type of information that an agency or provider may share if the parent consents;

(2) In SECTION 1 of the bill, in Subsection (b)(2)(D) (page 1, line 42), strike "and".

(3) In SECTION 1 of the bill, in Subsection (b)(2)(E) (page 1, line 45) immediately following the semicolon, add the following:
and

(F) an information exchange process between each parent of a child participating in the pilot project and the agencies and providers involved in the project to assist the parent in remaining informed regarding the evaluations performed in relation to the child and any conclusions or recommended treatment options resulting from those evaluations or decisions that need to be made by the parent as a result of an evaluation;

(4) In SECTION 1 of the bill, in Subsection (b)(3) (page 1, line 47), strike "and".

(5) In SECTION 1 of the bill, in Subsection (b)(4) (page 1, line 51), between "provider" and the period, insert the following:
; and

(5) ensure that parents, agencies, and providers participating in the pilot project are informed that a parent or child may not be penalized for refusing to consent to the information sharing or services under the pilot project

(6) In SECTION 1 of the bill, strike Subsection (g) (page 2, line 28), and substitute the following:

(g) In implementing the pilot project, the Department of State Health Services shall ensure that a parent of a child involved in the project is provided with reasonable, standardized complaint procedures for making complaints regarding the pilot project or an agency or provider involved in the pilot project.

(h) The Department of State Health Services shall ensure that the pilot project:

(1) is operated without regard to the race, color, disability, sex, age, national origin, or religion of the individuals involved in the pilot project; and

(2) does not disproportionately target or negatively impact minorities.

(i) This section does not authorize the implementation of school-based mental health screening.

(j) This Act expires September 1, 2011.

The amendment to **HB 1232** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Nichols.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1232 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Nichols.

HOUSE BILL 1232 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1232** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

HOUSE BILL 2640 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2640** at this time on its second reading:

HB 2640, Relating to the regulation of motor vehicle manufacturers and distributors.

The bill was read second time.

Senator Watson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2640** (engrossed version) as follows:

(1) On page 1, line 10, through page 2, line 14, strike SECTION 2 and renumber subsequent SECTIONS accordingly

(2) On page 2, line 19, strike "(g)(3)".

The amendment to **HB 2640** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2640 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2640 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2640** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 2583 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 2583** at this time on its second reading:

SB 2583, Relating to coverage under a meet and confer agreement for certain municipal firefighters and police officers.

The motion prevailed.

Senators Eltife, Harris, Nelson, and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Eltife, Harris, Nelson, Patrick.

SENATE BILL 2583 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2583** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Eltife, Harris, Nelson, Patrick.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 3435 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3435** at this time on its second reading:

CSHB 3435, Relating to exempting certain utility property from impact fees and assessments in certain water districts.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3435 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3435** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1965 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1965** at this time on its second reading:

CSHB 1965, Relating to permits to control protected wildlife; providing a penalty.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1965 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1965** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
May 18, 2009

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- HB 55**, Relating to an offense of using a wireless communication device while operating a motor vehicle.
- HB 141**, Relating to evidence of motor vehicle financial responsibility; providing a penalty.
- HB 148**, Relating to the prosecution of the offense of barratry and solicitation of professional employment.
- HB 206**, Relating to the on-premises consumption of certain alcoholic beverages; providing a penalty.
- HB 279**, Relating to reimbursement for medical assistance provided by a school-based health center to certain recipients.
- HB 358**, Relating to criminal offenses applicable to gambling and gambling devices.
- HB 425**, Relating to a prohibition against changing the name of certain public institutions of higher education that are named after state historical figures.
- HB 451**, Relating to health benefit plan coverage for autism spectrum disorder.
- HB 464**, Relating to the preparation by the Legislative Budget Board of a dynamic fiscal impact statement for certain bills and joint resolutions affecting taxes and fees.
- HB 466**, Relating to procedures relating to placement of a public school student in a disciplinary alternative education program.
- HB 489**, Relating to the authority of a county or municipality to remove graffiti from private property at the owner's expense.
- HB 498**, Relating to the creation of a commission to investigate and prevent wrongful convictions.
- HB 507**, Relating to an exemption from the sales and use tax for certain fund-raising sales conducted by a nonprofit organization that operates to benefit the patients of a state mental hospital.
- HB 518**, Relating to programs to provide student loan repayment assistance for certain correctional officers and for certain speech-language pathologists and audiologists.
- HB 534**, Relating to the liability of certain guarantors under a residential lease.
- HB 586**, Relating to the evidence required for the release of a motor vehicle after impoundment of the vehicle for failure to maintain evidence of financial responsibility.
- HB 662**, Relating to the operation of a motor vehicle by a person under 18 years of age while using a wireless communications device.
- HB 694**, Relating to Gonzales Healthcare Systems.
- HB 708**, Relating to higher education transfer practices, articulation agreements, policies for dropping courses, and special-purpose centers and to the formula funding for certain credit hours.

- HB 732**, Relating to the removal of certain information from a physician's medical board profile.
- HB 801**, Relating to prohibiting the investment of the permanent university fund in certain business entities doing business in Sudan.
- HB 831**, Relating to the exemption from certain taxation of certain organizations.
- HB 836**, Relating to hunting of feral hogs by helicopter.
- HB 856**, Relating to the creation of an additional judicial district composed of Rockwall County.
- HB 889**, Relating to examination requirements in certain guardianship matters concerning persons with mental retardation.
- HB 1055**, Relating to the procedure for submitting certain plans and specifications of buildings or facilities for the purpose of eliminating architectural barriers encountered by persons with disabilities.
- HB 1196**, Relating to the payment of wages by an employer through an electronic transfer of funds to a payroll card account.
- HB 1209**, Relating to construction payment trust funds and liens securing payment for certain labor, services, or material.
- HB 1221**, Relating to the provision of information by tax officials related to ad valorem tax rates.
- HB 1243**, Relating to net metering for retail electric service customers and compensation for excess electricity generated by a retail electric customer's on-site generator.
- HB 1283**, Relating to installment payments of ad valorem taxes on property in a disaster area.
- HB 1295**, Relating to notification of an application related to a certificate of public convenience and necessity for water or sewer service.
- HB 1299**, Relating to the fund for veterans' assistance and the creation of a lottery game to benefit the fund.
- HB 1306**, Relating to the authority of certain counties to use unclaimed money for the benefit of the county.
- HB 1326**, Relating to a plan to replenish the food supplies of food banks or food pantries following a disaster.
- HB 1343**, Relating to blind and disabled pedestrians and failure of the operator of a motor vehicle to yield the right-of-way.
- HB 1396**, Relating to the punishment prescribed for burglary of a vehicle and to grants of community supervision to persons who commit that offense.
- HB 1527**, Relating to the creation of an additional judicial district composed of Denton County.

HB 1581, Relating to the creation of an additional judicial district composed of Van Zandt County.

HB 1596, Relating to the creation of the Fort Bend County Municipal Utility District No. 204; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1598, Relating to the creation of the Fort Bend County Municipal Utility District No. 203; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1599, Relating to the creation of the Waller County Municipal Utility District No. 15; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1664, Relating to an exemption for groundwater used for certain purposes from production fees assessed by the Upper Trinity Groundwater Conservation District.

HB 1665, Relating to the penalty imposed on defaulting jurors.

HB 1686, Relating to the Muenster Hospital District.

HB 1720, Relating to the use of public funds by a political subdivision for communications that contain false information relating to a ballot measure; providing a criminal penalty.

HB 1937, Relating to the voluntary assessment of property owners by a municipality to finance certain energy conservation improvements.

HB 1946, Relating to the creation of the Brazoria County Municipal Utility District No. 64; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1976, Relating to the operation of property owners' associations.

HB 1988, Relating to the duties of a peace officer and the Department of Public Safety in connection with the suspension of a driver's license for a failure to pass a blood or breath test for intoxication or the presence of alcohol.

HB 2012, Relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.

HB 2035, Relating to the creation of the Hood County Granbury Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 2038, Relating to the regulation of structural pest control.

HB 2053, Relating to a water rights permit issued to the Upper Guadalupe River Authority.

HB 2128, Relating to the enforcement of regulations regarding the sale of plastic bulk merchandise containers.

HB 2142, Relating to the promotion of toll projects by the Texas Department of Transportation.

- HB 2163**, Relating to a study regarding the provision of certain medications through the Medicaid vendor drug program to children younger than 16 years of age.
- HB 2190**, Relating to an adult diabetes education program in certain county hospital systems and hospital districts.
- HB 2223**, Relating to notice to certain homeowners regarding residential construction warranties.
- HB 2232**, Relating to the creation of a county court at law in Fannin County.
- HB 2245**, Relating to the sealing of and restricted access to juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision.
- HB 2267**, Relating to the joint or separate prosecution of a capital felony charged against two or more defendants and the extent of a defendant's criminal responsibility for the conduct of a coconspirator in capital felony cases.
- HB 2280**, Relating to the right of a public school educator to remove a student from the educator's classroom.
- HB 2369**, Relating to the sale of a cemetery plot; providing a criminal penalty.
- HB 2466**, Relating to including playgrounds in the designation of certain places as drug-free zones for purposes of the criminal penalties that apply to certain drug-related offenses.
- HB 2511**, Relating to political contributions and expenditures; providing criminal penalties.
- HB 2525**, Relating to political expenditures made by a corporation or labor organization to finance the establishment and administration of a political committee.
- HB 2668**, Relating to the creation of the Smith Road Water Control and Improvement District No. 1 of Jefferson County; providing authority to impose a tax and issue bonds; granting levee and flood hazard mitigation powers; granting the power of eminent domain.
- HB 2677**, Relating to the amendment of a birth certificate.
- HB 2690**, Relating to eligible policyholders for group life insurance.
- HB 2708**, Relating to the powers of the Karnes County Hospital District.
- HB 2799**, Relating to the responsibilities of a person who qualifies for a peace officer license but has not yet been appointed as a peace officer.
- HB 2826**, Relating to the Texas Commission on Environmental Quality and retailer responsibility regarding recycling of computer equipment.
- HB 2828**, Relating to the ad valorem taxation of property used to provide low-income or moderate-income housing.
- HB 2839**, Relating to the civil and criminal consequences of racing a motor vehicle on a highway.
- HB 2847**, Relating to using county election precincts for any election held on the November uniform election date.

HB 2884, Relating to rebates and the sale of crop insurance.

HB 2917, Relating to authorizing the Department of State Health Services to obtain criminal history record information for certain applicants for employment.

HB 2942, Relating to accountability and transparency in government operations, including disclosure, oversight, and enforcement measures; providing penalties.

HB 2962, Relating to the administration and funding of and eligibility for the child health plan, medical assistance, and other programs.

HB 3002, Relating to certain duties, functions, and procedures of county clerks, district clerks, and local registrars.

HB 3065, Relating to municipal registration of vacant buildings in certain municipalities.

HB 3069, Relating to streamlining voter reregistration across county lines.

HB 3086, Relating to jurisdiction of probate proceedings and proceedings regarding powers of attorney and certain trusts.

HB 3112, Relating to the referral of an elderly or disabled person to the Department of Aging and Disability Services and the determination by that agency of the need for a guardianship for that person.

HB 3186, Relating to the collection and use of biometric identifiers.

HB 3201, Relating to the designation of certain fire marshals and related officers, inspectors, and investigators and certain railroad peace officers as peace officers.

HB 3206, Relating to the implementation of the exemption from ad valorem taxation for pollution control property.

HB 3222, Relating to the authority of two or more municipalities to designate a joint tax increment financing reinvestment zone.

HB 3223, Relating to the creation of the East Denton County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 3335, Relating to the powers of certain water districts.

HB 3350, Relating to decedents' estates.

HB 3353, Relating to an environmental service fee at public institutions of higher education.

HB 3419, Relating to the disclosure of criminal history record information regarding public school employees.

HB 3445, Relating to requirements governing registration and authorized activities of certain lobbyists.

HB 3484, Relating to certain acts and proceedings of certain local governments, including those related to tax increment financing, and the validity of certain acts and proceedings.

- HB 3489**, Relating to the grounds for a hearing concerning action on certain alcoholic beverage permits and licenses.
- HB 3550**, Relating to the powers and duties of the Texas Commission on Environmental Quality and related entities.
- HB 3669**, Relating to the authority of certain counties to impose a hotel occupancy tax.
- HB 3676**, Relating to the Texas Economic Development Act.
- HB 3682**, Relating to the regulation of uninhabitable, unsafe, or abandoned structures by certain counties.
- HB 3749**, Relating to the creation of an interim committee on, and a study of, the itemized billing statements of certain health care facilities.
- HB 3804**, Relating to the form of death certificates and fetal death certificates.
- HB 3834**, Relating to requiring the seller of certain real property to provide notice regarding the purchaser's duty to register water wells located or drilled on the property.
- HB 3875**, Relating to certain renewals of a qualified handgun instructor certification.
- HB 3876**, Relating to certain enforcement actions alleging the failure to pay child support.
- HB 4007**, Relating to the Hardeman County Hospital District.
- HB 4103**, Relating to management committees of certain nonprofit corporations.
- HB 4212**, Relating to the enforcement of rules by the Harris-Galveston Subsidence District and the Fort Bend Subsidence District.
- HB 4218**, Relating to representation in a court proceeding involving a retail public utility providing water or sewer service.
- HB 4281**, Relating to continuing education requirements for physical therapists.
- HB 4315**, Relating to the issuance of collegiate license plates.
- HB 4332**, Relating to the certification of certain municipal police officers to enforce commercial motor vehicle safety standards.
- HB 4364**, Relating to the authority of certain designated agents to receive certain notices from an appraisal district.
- HB 4407**, Relating to rules concerning administration and maintenance of anaphylaxis medicine on public school campuses.
- HB 4438**, Relating to the transfer of certain state property from the Texas Department of Criminal Justice to the Texas Forest Service.
- HB 4445**, Relating to the licensing and appointment of certain court interpreters.
- HB 4446**, Relating to the investment authority of the Teacher Retirement System of Texas and the Employees Retirement System of Texas.

HB 4518, Relating to district court cases that may be considered by judges of constitutional county courts located within the 76th Judicial District and 276th Judicial District.

HB 4519, Relating to standards for independent review organizations.

HB 4560, Relating to certain diseases or illnesses suffered by certain emergency first responders.

HB 4562, Relating to medical assistance program reimbursement for guardianship expenses of certain recipients.

HB 4583, Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

HB 4660, Relating to the use of interest generated by certain escrow accounts maintained in the depository of certain counties.

HB 4685, Relating to the County Court of Titus County.

HB 4692, Relating to the deferred collection of taxes on the residence homestead of an elderly or disabled individual.

HB 4698, Relating to the creation of the Lake Weatherford Municipal Utility Districts Nos. 1 and 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4704, Relating to the Starr County Hospital District.

HB 4710, Relating to the creation of the Clearwater Ranch Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4711, Relating to the creation of the Hunt County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4715, Relating to deadlines for elections to confirm the creation of East Montgomery County Municipal Utility Districts Nos. 8, 9, 10, 11, 12, 13, and 14, Montgomery County Municipal Utility Districts Nos. 100 and 101, and Liberty County Municipal Utility District No. 5.

HB 4719, Relating to the creation of the Burnet County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4724, Relating to the creation of Waller Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds; and granting a limited power of eminent domain.

HB 4735, Relating to the powers of the Coastal Water Authority; affecting the authority to issue bonds.

HB 4737, Relating to the creation of the Lake Texoma Municipal Utility District No. 1; providing authority to impose a tax or assessment and issue bonds; granting a limited power of eminent domain.

HB 4738, Relating to the creation of the North Oak Cliff Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.

HB 4741, Relating to the creation of three additional county courts at law in Bexar County.

HB 4750, Relating to the appointment of magistrates in the White Settlement municipal courts.

HB 4751, Relating to the creation of the Van Alstyne Municipal Utility District No. 2 of Collin County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4752, Relating to the creation of the Prosper Management District No. 1; providing authority to impose a tax and issue bonds.

HB 4755, Relating to the creation of the Guadalupe County Development and Management District; providing authority to impose an assessment, impose a tax, and issue bonds; granting a limited power of eminent domain.

HB 4759, Relating to the creation of the Tornillo Management District; providing authority to impose a tax and issue bonds.

HB 4771, Relating to the powers and duties of Harris County Improvement District No. 5; providing authority to impose a tax and issue bonds.

HB 4775, Relating to the creation of the Alden Lake Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

HB 4777, Relating to the creation of the Harris County Improvement District No. 12; providing authority to impose an assessment, impose a tax, and issue bonds.

HB 4778, Relating to the creation of the Northwest Williamson County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4783, Relating to an election of the board of directors of the Frio Hospital District.

HB 4785, Relating to the powers and financing of the Brazoria County Groundwater Conservation District.

HB 4787, Relating to the creation of the Harris County Improvement District No. 18; providing authority to impose an assessment, impose a tax, and issue bonds.

HB 4793, Relating to the creation of two additional county courts at law in Hidalgo County.

HB 4797, Relating to the creation of the Travis County Improvement District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

HB 4798, Relating to the creation of the League City Improvement District; providing authority to impose an assessment, impose a sales and use tax, and issue bonds.

HB 4799, Relating to the creation of the Seven Oaks Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4800, Relating to the creation of the San Gabriel Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4803, Relating to the creation of the South Fork Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4807, Relating to the board of directors of the Red Bluff Water Power Control District.

HB 4808, Relating to the creation of the Calhoun County Groundwater Conservation District.

HB 4812, Relating to the date of an election to confirm the creation of the Lavaca County Groundwater Conservation District.

HB 4814, Relating to the powers and duties of Harris County Improvement District No. 1; providing authority to impose a tax and issue bonds.

HB 4815, Relating to certain procedures regarding dissolution of the Ranch at Cypress Creek Municipal Utility District No. 1.

HB 4817, Relating to the creation of the Goodwater Municipal Utility District No. 1; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

HB 4818, Relating to the Dallas County Utility and Reclamation District.

HB 4827, Relating to the creation of Harris County Improvement District No. 20; providing authority to impose a tax and issue bonds.

HB 4828, Relating to the creation of Harris County Improvement District No. 21; providing authority to impose a tax and issue bonds.

HB 4829, Relating to the creation of the Harris County Improvement District No. 17; providing authority to impose an assessment, impose a tax, and issue bonds.

HB 4830, Relating to an election to confirm the creation of the Galveston County Municipal Utility District No. 67.

HB 4831, Relating to the election of the board of directors of the Crockett County Water Control and Improvement District.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 375 (142 Yeas, 0 Nays, 1 Present, not voting)

HB 3413 (139 Yeas, 3 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
May 18, 2009

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 226, Commemorating the 125th anniversary of the Lucchese Boot Company.

SB 98, Relating to establishing a health science center and medical school in South Texas.
(Committee Substitute/Amended)

SB 256, Relating to an intercollegiate athletics fee at Midwestern State University.

SB 316, Relating to the establishment of railroad quiet zones outside the boundaries of certain municipalities.

SB 337, Relating to the designation of a segment of Interstate Highway 30 in Hunt County as the Martin Luther King, Jr., Freeway.

SB 409, Relating to fees charged by a justice of the peace for certain documents in a criminal case.

SB 446, Relating to the use of certain court costs in a criminal case for municipal programs enhancing public safety and security.

SB 534, Relating to the El Paso County Hospital District.

SB 899, Relating to the participation in state travel service contracts by certain local governmental entities.

SB 929, Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 930, Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 931, Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 932, Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 7; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 969, Relating to a length exemption for a vehicle or combination of vehicles used to transport a combine used in farm custom harvesting operations.

SB 1011, Relating to the continuation and functions of the Texas Commission on Fire Protection.

(Committee Substitute/Amended)

SB 1035, Relating to the cities or counties that may create a cultural education facilities finance corporation.

SB 1038, Relating to the name, powers, and duties of the Northampton Municipal Utility District; providing authority to impose a tax and issue bonds.

SB 1059, Relating to the procedure for the removal of a cattle guard on a county road.

SB 1063, Relating to the powers of certain hospital districts and to the retirement benefits of employees of the districts and related entities.

SB 1152, Relating to the making or acceptance of political contributions in a courthouse; providing penalties.

(Committee Substitute)

SB 1241, Relating to the creation of the Fort Bend County Water Control and Improvement District No. 10; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 1271, Relating to the requirement that an orthotist or a prosthetist be licensed as a device manufacturer if fabricating or assembling without an order from certain health care professionals.

SB 1303, Relating to the requirement that certain state and local governmental entities designate a firearms proficiency officer and require weapons proficiency.

SB 1356, Relating to a fee associated with the assignment of a vehicle identification number by the Texas Department of Transportation.

SB 1464, Relating to the creation of the Harris County Municipal Utility District No. 525; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 1476, Relating to the authority of a community health center to contract with or employ an optometrist or therapeutic optometrist.

SB 1479, Relating to benefits payable under certain health coverages.

SB 1484, Relating to delivery of certain services through consumer direction to elderly persons and persons with disabilities.

- SB 1504**, Relating to the concurrent jurisdiction of certain municipal courts in certain criminal cases punishable by fine only.
- SB 1554**, Relating to the authority of officers in certain counties to designate a person to receive fees, commissions, or costs.
- SB 1589**, Relating to the reporting and handling of unclaimed property.
- SB 1592**, Relating to the assignment of security interests in certain collateral.
(Committee Substitute)
- SB 1614**, Relating to the requirement that certain orders closing, abandoning, or vacating a county road be filed and indexed in the deed records of the county where the road is located.
- SB 1628**, Relating to the pension retirement system in certain municipalities for firefighters and police.
- SB 1675**, Relating to donations of juror reimbursements.
- SB 1774**, Relating to the disposal of certain exhibits used in criminal proceedings in certain counties.
(Amended)
- SB 1827**, Relating to the constituting of certain sales of a used motor vehicle as a private disposition for purposes of Chapter 9, Business & Commerce Code.
(Committee Substitute)
- SB 1920**, Relating to the membership of the Advisory Board on Cosmetology.
- SB 1929**, Relating to the designation of qualified media production locations in media production development zones and to exemptions from the sales and use tax for items used for media production facilities in qualified media production locations.
(Amended)
- SB 1952**, Relating to the authorization of certain municipalities and counties to issue public securities for the financing of permanent improvements for use by an institution of higher education.
- SB 1965**, Relating to the regulation of retail installment contracts for commercial vehicles.
- SB 2229**, Relating to the creation of a county court at law in Bosque County and the composition of the Bosque, Comanche, and Hamilton Counties juvenile board.
- SB 2307**, Relating to the preservation and maintenance of the Governor's Mansion.
- SB 2379**, Relating to responsibility and criminal penalties for certain violations committed by commercial oyster boat crews.
- SB 2380**, Relating to contracts for the disposal of dredged material from a portion of the Gulf Coast Intracoastal Waterway.
- SB 2413**, Relating to the authority of the Kaufman County Water Control and Improvement District No. 1 to undertake road projects.

SB 2423, Relating to the transfer or sale of patient information or prescription drug history by discount health care programs.

(Amended)

SB 2455, Relating to the creation of the Harris County Municipal Utility District No. 495; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2470, Relating to the creation of the Maverick Improvement District of Palo Pinto County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2472, Relating to the creation of the Harris County Improvement District No. 14; providing authority to impose an assessment, impose a tax, and issue bonds.

SB 2473, Relating to the creation of the Harris County Improvement District No. 13; providing authority to impose an assessment, impose a tax, and issue bonds.

SB 2503, Relating to the powers and duties of the Lake View Management and Development District; providing authority to impose a tax and issue bonds; granting certain powers relating to navigation improvements; and granting powers of a road district.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 271 (139 Yeas, 1 Nays, 2 Present, not voting)

HB 392 (141 Yeas, 0 Nays, 2 Present, not voting)

HB 448 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 492 (139 Yeas, 2 Nays, 2 Present, not voting)

HB 1342 (139 Yeas, 0 Nays, 2 Present, not voting)

HB 1363 (128 Yeas, 14 Nays, 2 Present, not voting)

HB 1468 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 1672 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 1998 (140 Yeas, 0 Nays, 2 Present, not voting)

HB 2027 (142 Yeas, 0 Nays, 2 Present, not voting)

HB 2032 (141 Yeas, 1 Nays, 2 Present, not voting)

HB 2064 (141 Yeas, 0 Nays, 1 Present, not voting)

HB 2512 (142 Yeas, 0 Nays, 2 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 3 (non-record vote)

House Conferees: Eissler - Chair/Dutton/Hochberg/Keffer/Villarreal

HB 2030 (non-record vote)

House Conferees: Zerwas - Chair/Davis, John/Hopson/Howard, Donna/King, Susan

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 727 (non-record vote)

House Conferees: Vaught - Chair/Anchia/Geren/Moody/Riddle

SB 2306 (non-record vote)

House Conferees: Miller, Doug - Chair/Button/Laubenberg/Martinez Fischer/Ritter

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 3951 ON SECOND READING

Senator Davis moved to suspend the regular order of business to take up for consideration **HB 3951** at this time on its second reading:

HB 3951, Relating to requiring a public institution of higher education to designate or employ a person trained in student financial assistance programs for military veterans and their families.

The motion prevailed.

Senators Nichols and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3951** (Senate committee report) in SECTION 1 of the bill by striking added Section 56.006(c), Education Code (page 1, lines 30-33).

The amendment to **HB 3951** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Nichols, Shapiro.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 3951** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **HB 3951** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Nichols, Shapiro.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3951 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Nichols, Shapiro.

VOTES RECONSIDERED

On motion of Senator Ogden and by unanimous consent, the vote by which **HB 3951** was passed to third reading was reconsidered.

Question — Shall **HB 3951** be passed to third reading?

On motion of Senator Ogden and by unanimous consent, the vote by which Floor Amendment No. 2 was adopted was reconsidered.

Question — Shall Floor Amendment No. 2 to **HB 3951** be adopted?

Senator Ogden withdrew Floor Amendment No. 2.

On motion of Senator Davis and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

HB 3951 as amended was again passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Nichols, Shapiro.

HOUSE BILL 3951 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3951** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffinan, Jackson, Lucio, Nelson, Ogden, Patrick, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

(Senator Eltife in Chair)

**MOTION TO PLACE
HOUSE BILL 3218 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 3218** at this time on its second reading:

HB 3218, Relating to the filing of sworn complaints with the Texas Ethics Commission.

Senator Zaffirini withdrew the motion to suspend the regular order of business.

**COMMITTEE SUBSTITUTE
SENATE BILL 1822 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 1822** at this time on its second reading:

CSSB 1822, Relating to erecting an off-premise sign adjacent to and visible from certain roads, including Farm-to-Market Road 1431 between the eastern city limits of the city of Marble Falls and the boundary line between Burnet and Travis Counties and roads that follow the route of El Camino Real de Tierra Adentro.

The motion prevailed.

Senators Nichols and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols, Shapiro.

Absent: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1822 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1822** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Nichols, Shapiro.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2591 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **CSHB 2591** at this time on its second reading:

CSHB 2591, Relating to the regulation of property tax consultants.

The motion prevailed.

Senator Averitt asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2591** (Senate committee printing), in SECTION 3 of the bill, in added Section 1152.231(a)(1), Occupations Code (page 2, line 6), by striking "and engaged".

The amendment to **CSHB 2591** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Present-not voting: Averitt.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 2591** (Senate committee printing), in SECTION 3 of the bill, in added Subchapter E-1, Chapter 1152, Occupations Code (page 2, between lines 50 and 51), by adding the following section:

Sec. 1152.235. PROHIBITED ACTS: CERTAIN ASSOCIATION WITH FORMER MEMBER OF APPRAISAL REVIEW BOARD. A person required to register under this chapter may not employ or contract with a former member of an appraisal review board to perform any services related to the appraisal review board in the county in which the former member served before the second anniversary of the termination of the former member's service on the board.

The amendment to **CSHB 2591** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Seliger.

Present-not voting: Averitt.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2591 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Present-not voting: Averitt.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2591 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2591** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Averitt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 2530 ON SECOND READING

Senator Davis moved to suspend the regular order of business to take up for consideration **HB 2530** at this time on its second reading:

HB 2530, Relating to the authority of a county assessor-collector or the Texas Department of Transportation to refuse to register certain vehicles.

The motion prevailed.

Senators Jackson and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by the following vote: Yeas 29, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Jackson, Seliger.

HOUSE BILL 2530 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2530** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Jackson, Seliger.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 2877 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2877** at this time on its second reading:

HB 2877, Relating to liability insurance closed claim reports.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2877 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2877** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 4029 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4029** at this time on its second reading:

HB 4029, Relating to written authorization for the release of certain health care information.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4029** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 241.154(b)(1)(B), Health and Safety Code (page 1, line 50), strike "or" and substitute "[~~or~~]".

(2) In SECTION 2 of the bill, in amended Section 241.154(b)(2), Health and Safety Code (page 1, lines 51-52), strike "any microform or other electronic medium" and substitute "[~~any~~] microform [~~or other electronic medium~~]".

(3) In SECTION 2 of the bill, in amended Section 241.154(b)(2), Health and Safety Code (page 1, line 57), strike "copies." and substitute the following:
copies; or

(3) if the requested records are provided on a digital or other electronic medium and the requesting party requests delivery in a digital or electronic medium, including electronic mail:

(A) a retrieval or processing fee, which may not exceed \$75; and

(B) the actual cost of mailing, shipping, or otherwise delivering the provided copies.

The amendment to **HB 4029** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Huffman.

On motion of Senator Shapleigh and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 4029 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 4029 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4029** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3218 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3218** at this time on its second reading:

HB 3218, Relating to the filing of sworn complaints with the Texas Ethics Commission.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3218** (Senate committee printing) as follows:

(1) Strike the recital in SECTION 1 of the bill (page 1, lines 11 and 12), and substitute "Section 571.122, Government Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(2) In SECTION 1 of the bill, following amended Section 571.122(a), Government Code (page 1, between lines 27 and 28), insert the following:

(b-1) An individual must be a resident of this state to be eligible to file a sworn complaint with the commission. A copy of one of the following documents must be attached to the complaint:

(1) the complainant's driver's license or personal identification certificate issued under Chapter 521, Transportation Code, or commercial driver's license issued under Chapter 522, Transportation Code; or

(2) a utility bill, bank statement, government check, paycheck, or other government document that:

(A) shows the name and address of the complainant; and

(B) is dated not more than 30 days before the date on which the complaint is filed.

SECTION _____. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1221 to read as follows:

Sec. 571.1221. DISMISSAL OF COMPLAINT FILED AT DIRECTION OR URGING OF NONRESIDENT. At any stage of a proceeding under this subchapter, the commission shall dismiss the complaint if the commission determines that the complaint was filed at the direction or urging of a person who is not a resident of this state.

(3) In SECTION 3 of the bill (page 1, line 45), strike "571.122(a)" and substitute "571.122".

(4) In SECTION 3 of the bill (page 1, line 46), strike "applies" and substitute "and Section 571.1221, Government Code, as added by this Act, apply".

(5) Renumber the SECTIONS of the bill accordingly.

The amendment to **HB 3218** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 3218** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, on page 1, line 17, between "enforced by the commission" and ":", insert ", including but not limited to Sec. 572.0253";

(2) Add new appropriately numbered SECTIONS to the bill to read as follows and renumber subsequent SECTIONS of the bill:

SECTION _____. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.0253 to read as follows:

Sec. 572.0253. REPORT OF CONTRACT WITH STATE AGENCY. (a) A member of the legislature shall report on the financial statement the identification and amount of any contract entered into during the period covered by the statement between the member, or a business entity in which the member has a substantial interest, and a state agency.

(b) Sections 572.005(3), (5), (6), and (7) do not apply in determining whether, for purposes of this section, an individual has a substantial interest in a business entity.; and

SECTION _____. Section 572.0253, Government Code, as added by this Act, applies only to a financial statement required to be filed under Subchapter B, Chapter 572, Government Code, on or after September 1, 2009.

The amendment to **HB 3218** was read.

Senator Ogden withdrew Floor Amendment No. 2.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 3218 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2259 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2259** at this time on its second reading:

HB 2259, Relating to the plugging of certain inactive oil or gas wells.

The bill was read second time.

Senator Duncan offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2259** (House engrossed version) by adding the following SECTION to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 91, Natural Resources Code, is amended by adding Section 91.019 to read as follows:

Sec. 91.019. STANDARDS FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF ELECTRICAL POWER LINES. An operator shall construct, operate, and maintain an electrical power line serving a well site or other surface facility employed in operations incident to oil and gas development and production in accordance with the National Electrical Code published by the National Fire Protection Association and adopted by the Texas Commission of Licensing and Regulation under Chapter 1305, Occupations Code.

The amendment to **HB 2259** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 1.

Senator Duncan offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 2259** in SECTION 1 of the bill, in amended Section 89.002(a), Natural Resources Code (engrossed version page 2, lines 13-18), by striking Subdivision (13) of the subsection and substituting the following:

(13) "Physically terminated electric service to the well's production site" means that electric service to an inactive well site has been disconnected at a point on the electric service lines most distant from the production site toward the main supply line in a manner that will not interfere with electrical supply to adjacent operations, including cathodic protection units.

The amendment to **HB 2259** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Committee Amendment No. 2.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 2259 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2259 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2259** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3218 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3218** be placed on its third reading and final passage:

HB 3218, Relating to the filing of sworn complaints with the Texas Ethics Commission.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 3218** (Senate committee printing) on third reading as follows:

(1) In SECTION 1 of the bill, on page 1, line 17, between "enforced by the commission" and "." insert ", including but not limited to Sec. 572.0253";

(2) Add new appropriately numbered SECTIONS to the bill to read as follows and renumber subsequent SECTIONS of the bill:

SECTION _____. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.0253 to read as follows:

Sec. 572.0253. REPORT OF CONTRACT WITH STATE AGENCY. (a) A member of the legislature shall report on the financial statement the identification and amount of any contract entered into during the period covered by the statement between the member, or a business entity in which the member has a substantial interest, and a state agency.

(b) Sections 572.005(3), (5), (6), and (7) do not apply in determining whether, for purposes of this section, an individual has a substantial interest in a business entity.; and

SECTION _____. Section 572.0253, Government Code, as added by this Act, applies only to a financial statement required to be filed under Subchapter B, Chapter 572, Government Code, on or after September 1, 2009.

The amendment to **HB 3218** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Zaffirini and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

HB 3218 as again amended was finally passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1122 WITH HOUSE AMENDMENT

Senator Hegar called **SB 1122** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1122** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the requirement to keep records of game bird or animal carcasses placed in a cold storage or processing facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.001(8), Parks and Wildlife Code, is amended to read as follows:

(8) "Quartering" means the processing of an animal into not more than two hindquarters each having the leg bone (femur) attached down to the knee [~~hook~~] and two front shoulders [~~forequarters~~] each having the leg bones (scapula and humerus) [~~portion to the knee~~] attached down to the elbow [~~shoulder blade~~]. The term also includes removal of two back straps [~~and trimmings from the neck and rib cage~~].

SECTION 2. Section 62.029, Parks and Wildlife Code, is amended by amending Subsections (a) and (f) and adding Subsection (g) to read as follows:

(a) In [~~As used in~~] this section:

(1) "Carcass" has the meaning assigned by Section 42.001.

(2) "Cold [~~cold~~] storage or processing facility" has the meaning assigned by Section 42.001.

(3) "Hunting lease" has the meaning assigned by Section 43.041.

(4) "Private cold storage or processing facility" means a cold storage or processing facility that is not available for use by the public.

(5) "Quartering" has the meaning assigned by Section 42.001.

(f) This section does not apply to a private, noncommercial, family-owned cold storage or processing facility unless the facility is located on a hunting lease and is made available to individuals other than the landowner, the landowner's nonpaying family members, or the landowner's nonpaying guests.

(g) This section does not require the entry or maintenance of a record for the carcass of a deer or antelope that is properly tagged and is placed in a private cold storage or processing facility.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2009.

The amendment was read.

Senator Hegar moved to concur in the House amendment to **SB 1122**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 688 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 688** at this time on its second reading:

CSSB 688, Relating to the mitigation of the impact of residential development in public school districts.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 688** (Senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 48.001(a), Education Code (page 1, line 23), strike "simultaneously submit the plat or replat" and substitute "provide advance notice of the submission".

(2) In SECTION 1 of the bill, in added Section 48.001(a), Education Code (page 1, line 24), immediately following the period, add the following:
The developer must provide the notice not later than the 60th day before the date on which the developer submits the plat or replat.

(3) In SECTION 1 of the bill, in added Section 48.001(b), Education Code (page 1, line 33), between "commissioner" and the period, insert ", unless the developer has already designated a location for a new elementary school within the residential development site on at least 15 acres of land".

(4) In SECTION 1 of the bill, in added Section 48.002(a), Education Code (page 1, line 47), strike "having:" and substitute "providing the notice required under Section 48.001(a) to the school district.".

(5) In SECTION 1 of the bill, in added Section 48.002(a), Education Code (page 1, lines 48-52), strike added Subdivisions (1) and (2).

The amendment to **CSSB 688** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Wentworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 688 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 688 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 688** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 549 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 549** at this time on its second reading:

HB 549, Relating to an affirmative defense to prosecution for certain sex offenses.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 549 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 549** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 962 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 962** at this time on its second reading:

HB 962, Relating to the purchase of library goods and services by public junior colleges.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 962** (Senate committee printing) in SECTION 2 of the bill, by striking amended Section 130.0101(a)(4), Education Code (page 1, line 32), and substituting the following:

(4) ~~library~~ equipment and supplies specific to the storage and access of library content; and

The amendment to **HB 962** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 962 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 962 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 962** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE JOINT RESOLUTION 43 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **SJR 43** at this time on its second reading:

SJR 43, Proposing a constitutional amendment to authorize the imposition of an additional ad valorem tax for emergency services districts, subject to voter approval, at a rate not to exceed five cents for the acquisition of land, equipment, or apparatus or the construction of capital improvements.

The motion prevailed.

Senators Harris, Huffman, Jackson, Nichols, Patrick, Seliger, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time.

Senator Lucio offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 43** by striking all below the resolving clause and substituting the following:

SECTION 1. Section 48-e, Article III, Texas Constitution, is amended to read as follows:

Sec. 48-e. EMERGENCY SERVICES DISTRICTS. (a) Laws may be enacted to provide for the establishment and creation of special districts to provide emergency services and to authorize the commissioners courts of participating counties to levy a tax on the ad valorem property situated in said districts at a rate not to exceed 10 cents [Ten Cents (10¢)] on the \$100 [One Hundred Dollars (\$100.00)] valuation for the operating and capital support thereof and, subject to Subsections (b) and (c) of this section, at a rate not to exceed five cents on the \$100 valuation for the construction of fire stations and other facilities used to provide emergency services or the acquisition of land, equipment, or apparatus. No [; provided that no] tax shall be levied in support of said districts until approved by a vote of the qualified voters residing therein. Such a district may provide emergency medical services, emergency ambulance services, rural fire prevention and control services, or other emergency services authorized by the Legislature.

(b) The tax described by Subsection (a) of this section for the exclusive purposes of construction of fire stations and other facilities used to provide emergency services or the acquisition of land, equipment, or apparatus may be levied only for a district that is authorized to levy a tax on ad valorem property at the maximum rate provided

by Subsection (a) of this section of 10 cents on the \$100 valuation for any purpose and that has complied with audit requirements and adopted a capital improvements plan as provided by law.

(c) A district that conducts an election to allow the voters of the district to approve a tax exclusively for the purposes of construction of fire stations and other facilities used to provide emergency services or the acquisition of land, equipment, or apparatus may not assess the tax described by this subsection at a rate greater than three cents on the \$100 valuation or the rate approved by the voters, whichever is less, earlier than two years after the date of approval. Thereafter, the district may assess the tax at the rate approved by the voters, if greater than three cents on the \$100 valuation, or may conduct a subsequent election, subject to the requirements provided by law for the first election, to approve the tax at a rate not to exceed five cents on the \$100 valuation. The Legislature by law may provide for other circumstances and limit the timing and frequency of elections held under this section.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to authorize the voters of certain emergency services districts to approve by election, after an audit and adoption of a capital improvements plan, an ad valorem tax at a rate not to exceed five cents for the construction or acquisition of fire stations, equipment, and other property."

The amendment to **SJR 43** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Harris, Huffman, Jackson, Nichols, Patrick, Seliger, Williams.

Senator Lucio offered the following amendment to the resolution:

Floor Amendment No. 2

Amend **SJR 43** above the resolving clause by striking the caption (page 1, lines 7-11, Senate committee printing) and substituting the following:

"proposing a constitutional amendment to authorize the voters of an emergency services district that has been authorized by those voters to impose an ad valorem tax at a rate not to exceed 10 cents on the \$100 valuation to authorize by election, after an audit and a capital improvements plan, the levy of an additional ad valorem tax, at a rate not to exceed five cents on the \$100 valuation, for the construction or acquisition of fire stations, equipment, and other property."

The amendment to **SJR 43** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Harris, Huffman, Jackson, Nichols, Patrick, Seliger, Williams.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

SJR 43 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Harris, Huffman, Jackson, Nichols, Patrick, Seliger, Williams.

SENATE JOINT RESOLUTION 43 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 43** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Ogden, Patrick, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris, Jackson, Nichols, Seliger, Williams.

The resolution was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Lucio, Nelson, Ogden, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris, Huffman, Jackson, Nichols, Patrick, Seliger, Williams.

SENATE BILL 1263 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1263** at this time on its second reading:

SB 1263, Relating to certain mass transit entities.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1263** (Senate committee printing) by adding the following SECTIONS, appropriately numbered, to the bill, and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 451.061, Transportation Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (d-1), the [The] fares, tolls, charges, rents, and other compensation established by an authority in which the principal municipality has a population of less than 1.2 million may not take effect until approved by a majority vote of a committee composed of:

(1) five members of the governing body of the principal municipality, selected by that governing body;

(2) three members of the commissioners court of the county having the largest portion of the incorporated territory of the principal municipality, selected by that commissioners court; and

(3) three mayors of municipalities, other than the principal municipality, located in the authority, selected by:

(A) the mayors of all the municipalities, except the principal municipality, located in the authority; or

(B) the mayor of the most populous municipality, other than the principal municipality, in the case of an authority in which the principal municipality has a population of less than 300,000.

(d-1) The establishment of or a change to fares, tolls, charges, rents, and other compensation by an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000, takes effect immediately on approval by a majority vote of the board, except that the establishment of or a change to a single-ride base fare takes effect on the 60th day after the date the board approves the fare or change to the fare, unless the policy board of the metropolitan planning organization that serves the area of the authority disapproves the fare or change to the fare by a majority vote.

SECTION _____. Section 451.071, Transportation Code, is amended by adding Subsections (b-1) and (g) to read as follows:

(b-1) The ballot may not permit the fixed rail transit system, or a proposal to expand a system, and the method of funding for the system or expansion of the system to be voted on as separate options. All fixed rail transit systems, proposals to expand a system, and methods of funding included on a ballot must be approved or rejected as a group.

(g) This section does not require the authority to hold a referendum on a proposal to:

(1) enter into a contract to build, operate, or maintain a fixed rail transit system for another entity;

(2) expand a system previously approved under this section if the proposed expansion involves the addition of not more than one mile of track to the system; or

(3) enter into an interlocal agreement to build, operate, or maintain a system previously approved under this section.

SECTION _____. Subchapter J, Chapter 451, Transportation Code, is amended by adding Sections 451.458, 451.459, and 451.460 to read as follows:

Sec. 451.458. INTERNAL AUDITOR. (a) This section applies only to an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000.

(b) The board shall enter into a contract with a qualified individual to perform internal auditing services as specified in the contract. A contract entered into under this section may be renewed for subsequent fiscal years of the authority but may not be renewed for more than three consecutive fiscal years.

(c) The contract must require the auditor to report directly to the board.

Sec. 451.459. SUNSET REVIEW. (a) An authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000 is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2011. In addition, another review shall be conducted as if the authority were scheduled to be

abolished September 1, 2016. The reviews conducted under this section must include an assessment of the governance, management, and operating structure of the authority and the authority's compliance with the duties and requirements placed on it by the legislature.

(b) The authority shall pay the cost incurred by the Sunset Advisory Commission in performing a review of the authority under this section. The Sunset Advisory Commission shall determine the cost, and the authority shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

Sec. 451.460. ANNUAL REPORT. (a) This section applies only to an authority confirmed before July 1, 1985, in which the principal municipality has a population of less than 750,000.

(b) The authority annually shall provide a report to the governing body of each municipality or county in the authority to which the authority is financially obligated regarding the status of the financial obligation.

SECTION _____. Section 451.5021, Transportation Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (b-1), (d-1), (d-2), and (d-3) to read as follows:

(a) This section applies only to the board of an authority created before July 1, 1985, in which the principal municipality has a population of less than 750,000 ~~in which each member of the governing body of the principal municipality is elected at large~~.

(b) Members of the ~~The~~ board ~~is composed of seven members who~~ are appointed as follows:

(1) one member, who is an elected official, ~~two members representing the general public~~ appointed by the metropolitan planning organization designated by the governor that serves the area of the authority;

(2) one member, who is an elected official, ~~two members~~ appointed by the governing body of the principal municipality;

(3) one member jointly appointed by:

(A) the governing body of the principal municipality; and

(B) the commissioners court of the principal county;

(4) one member jointly appointed by:

(A) the governing body of the principal municipality; and

(B) the commissioners court of the county, excluding the principal county, that has the largest population of the counties in the authority ~~a panel composed of the mayors of all the municipalities in the authority located in the principal county of the authority, excluding the mayor of the principal municipality~~; ~~and~~

(5) one member, who is an elected official, appointed by a panel composed of:

(A) the mayors of all municipalities in the authority ~~located outside the principal county of the authority~~, excluding the mayor of the principal municipality; and

(B) the county judges of the counties having unincorporated area in the authority;

(6) one member, who has at least 10 years of experience as a financial or accounting professional, appointed by the metropolitan planning organization that serves the area in which the authority is located;

(7) one member, who has at least 10 years of experience in an executive-level position in a public or private organization, including a governmental entity, appointed by the metropolitan planning organization that serves the area in which the authority is located; and

(8) two members appointed by the metropolitan planning organization that serves the area in which the authority is located, if according to the most recent federal decennial census more than 35 percent of the population in the territory of the authority resides outside the principal municipality~~[, excluding the county judge of the principal county; and~~

~~[(C) the presiding officer of each municipal utility district that:~~

~~(i) has a majority of its territory located outside the principal county; and~~

~~[(ii) is located wholly or partly in the authority].~~

(b-1) Notwithstanding Section 451.505, members of the board serve staggered three-year terms, with the terms of two or three members, as applicable, expiring June 1 of each year.

(d) A person appointed under Subsection (b)(1), (2) [(b)(2), (3), (4)], or (5):

(1) must be a member of the governing body:

(A) of the political subdivision that is entitled to make the appointment;

or

(B) over which a member of the panel entitled to make an appointment

presides;

(2) vacates the office of board member if the person ceases to be a member of the governing body described by Subdivision (1);

(3) serves on the board as an additional duty of the office held on the governing body described by Subdivision (1); and

(4) is not entitled to compensation for serving as a member of the board.

(d-1) At least two members appointed under Subsections (b)(1), (6), and (7) must be qualified voters residing in the principal municipality.

(d-2) A person appointed under Subsection (b)(3) must:

(1) have the person's principal place of occupation or employment in:

(A) the principal municipality; or

(B) the portion of the authority's service area that is located in the

principal county; or

(2) be a qualified voter of:

(A) the principal municipality; or

(B) the portion of the authority's service area that is located in the

principal county.

(d-3) A person appointed under Subsection (b)(4) must:

(1) have the person's principal place of occupation or employment in:

(A) the principal municipality; or

(B) the portion of the authority's service area that is located in the county, other than the principal county, that has the largest population of the counties in the authority; or

(2) be a qualified voter of:

(A) the principal municipality; or

(B) the portion of the authority's service area that is located in the county, other than the principal county, that has the largest population of the counties in the authority.

SECTION _____. Subsections (g) and (h), Section 451.5021, Transportation Code, are repealed.

SECTION _____. (a) This section applies only to a member of the board of a metropolitan rapid transit authority created before July 1, 1985, in which the principal municipality has a population of 750,000 or less.

(b) The term of a board member that is scheduled, under the law as it existed before the effective date of this Act, to expire:

(1) after the effective date of this Act but before January 1, 2010, is extended to December 31, 2009; and

(2) on or after January 1, 2010, expires June 1, 2010.

(c) As soon as practicable on or after the effective date of this Act, but not later than December 31, 2009, the persons and entities specified in Section 451.5021, Transportation Code, as amended by this Act, shall appoint the members of the board in compliance with that section, as amended, to serve terms that begin January 1, 2010, or June 2, 2010, as applicable.

(d) A vacancy created because of the expiration of a term under Subsection (b) of this section is filled in the manner provided by Subsection (c) of this section.

(e) The members of the board appointed under Subsection (c) of this section shall draw lots to determine which terms of three members expire June 1, 2011, which terms of three members expire June 1, 2012, and which terms of three members expire June 1, 2013.

The amendment to **SB 1263** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1263 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1263 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1263** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2063 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2063** at this time on its second reading:

CSHB 2063, Relating to the enforcement of rules by a groundwater conservation district.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2063 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2063** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 3303 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3303** at this time on its second reading:

HB 3303, Relating to the use of information and records acquired during a fatality review and investigation.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 3303 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3303** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1096 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1096** at this time on its second reading:

HB 1096, Relating to the provision of notice regarding the availability of higher education textbooks through multiple retailers.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1096** (Senate committee printing) in SECTION 1 of the bill, in added Section 51.9705(c), Education Code (page 1, lines 45-46), by striking "Be aware that the" and substituting "The".

The amendment to **HB 1096** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1096 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1096 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1096** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3108 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3108** at this time on its second reading:

CSHB 3108, Relating to an interim study of recreational boating safety in Texas.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3108 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3108** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1789 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1789** at this time on its second reading:

CSHB 1789, Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities, coliseums, and multiuse facilities in certain municipalities.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1789**, in SECTION 2 of the bill, on page 2, by striking lines 20-26.

The amendment to **CSHB 1789** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1789** (Senate committee report) in SECTION 1 of the bill as follows:

(1) In amended Section 351.101(a)(7)(B)(iv), Tax Code (page 2, line 5), following the semicolon, strike "or".

(2) In amended Section 351.101(a)(7)(B)(v), Tax Code (page 2, line 8), following the semicolon, strike "and" and substitute "or".

(3) At the end of amended Section 351.101(a)(7)(B), Tax Code (page 2, between lines 8 and 9), insert the following:

(vi) is located in a county that:

(a) is adjacent to the Texas-Mexico border;

(b) has a population of at least 500,000; and

(c) does not have a municipality with a population greater than

500,000; and

The amendment to **CSHB 1789** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1789 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
SENATE BILL 1912 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1912** at this time on its second reading:

CSSB 1912, Relating to the disclosure of personally identifiable information under the public information law.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Averitt, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams.

Nays: Davis, Eltife, Hegar, Nichols, Shapleigh, Zaffirini.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1912** (Senate committee printing) as follows:

(1) Strike SECTION 1 of the bill (page 1, lines 13-27) and renumber subsequent SECTIONS of the bill accordingly.

(2) In SECTION 2 of the bill, at the end of added Section 552.372(a), Government Code (page 1, line 54), add "The analysis must include a study of the disclosure and sale of personally identifiable information under Chapters 521, 522, and 730, Transportation Code, by the state agencies to which those chapters apply.".

(3) Strike SECTION 3 of the bill (page 2, lines 56-62) and renumber subsequent SECTIONS of the bill accordingly.

The amendment to **CSSB 1912** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Davis, Eltife, Hegar, Nichols, Shapleigh, Zaffirini.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1912 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Davis, Eltife, Hegar, Nichols, Shapleigh, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 1912 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1912** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Averitt, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams.

Nays: Davis, Eltife, Hegar, Nichols, Shapleigh, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

SENATE BILL 2584 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **SB 2584** at this time on its second reading:

SB 2584, Relating to the reporting of certain felons incarcerated in Texas jails to federal authorities.

The motion prevailed.

Senator Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2584** (Senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Article 2.245(b), Code of Criminal Procedure (page 1, line 27), between "status" and the underlined period, insert "from documents in the defendant's possession".

(2) In added Article 2.245(c), Code of Criminal Procedure (page 1, line 30), between "verify" and "that", insert "from documents in the defendant's possession".

(3) Between added Articles 2.245(e) and (f), Code of Criminal Procedure (page 1, between lines 50 and 51), insert the following:

(f) The sheriff or other officer by telephone or electronic means may contact or provide notice to the United States Department of Homeland Security or other office or agency as described by Subsection (d) or (e).

(4) In added Article 2.245(f), Code of Criminal Procedure (page 1, line 51), strike "(f)" and substitute "(g)".

The amendment to **SB 2584** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Zaffirini.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 2584 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Zaffirini.

SENATE BILL 2584 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2584** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

GUEST PRESENTED

Senator Patrick was recognized and introduced to the Senate his mother, Mrs. Jean Patrick.

The Senate welcomed its guest.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1789 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1789** be placed on its third reading and final passage:

CSHB 1789, Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities, coliseums, and multiuse facilities in certain municipalities.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 61, SB 63, SB 254, SB 1415, SB 1506, SB 1661, SB 2038, SCR 58, SCR 68, SCR 69, SCR 71, HB 205, HB 360, HB 406, HB 523, HB 536, HB 582, HB 652, HB 865, HB 968, HB 1079, HB 1203, HB 1364, HB 1433, HB 1466, HB 1629, HB 1684, HB 1731, HB 1793, HB 1805, HB 1918, HB 2055, HB 2219, HB 2314, HB 2440, HCR 118, HCR 162, HCR 210, HCR 211.

**COMMITTEE SUBSTITUTE
SENATE BILL 2350 ON THIRD READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2350** at this time on its third reading and final passage:

CSSB 2350, Relating to the payment and distribution of consumer assistance funds in an action by the attorney general.

The bill was read third time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 2350** (Senate committee printing) on third reading as follows:

- (1) On page 1, line 19, strike "funds" and insert "restitution";
- (2) On page 1, line 21, between "if" and ":" insert "the court determines that, based on the facts and circumstances of the case,";
- (3) On page 1, line 30, after "67.001." insert "Civil penalties, costs or attorneys fees shall not be deposited in this account."; and
- (4) On page 1, line 41, strike "funds" and insert "restitution".

The amendment to **CSSB 2350** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 2 on Third Reading

Amend **CSSB 2350** (Senate committee report) on third reading in SECTION 1 of the bill, in added Section 67.001, Civil Practice and Remedies Code (page 1, lines 22-25), by striking Subdivisions (1) and (2) and substituting the following:

- (1) it is impossible or impracticable to identify injured parties;
- (2) it is impossible or impracticable to determine the degree to which each claimant was injured and entitled to recover; or
- (3) the cost of administering a claim procedure is prohibitive due to a low probability of recovery for each claimant.

The amendment to **CSSB 2350** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 on Third Reading.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 2350 as amended was finally passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 434 WITH HOUSE AMENDMENT

Senator Wentworth called **SB 434** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 434** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the establishment and operation of a public transit motor-bus-only lane pilot program in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 455, Transportation Code, is amended by adding Section 455.006 to read as follows:

Sec. 455.006. PUBLIC TRANSIT MOTOR-BUS-ONLY LANE PILOT PROGRAM. (a) The department, in consultation with the Department of Public Safety and in conjunction with the appropriate mass transit authorities and the municipalities served by those authorities, shall establish and operate a public transit motor-bus-only lane pilot program for highways in Bexar, Denton, and Travis Counties that are part of the state highway system and have shoulders of sufficient width and structural integrity.

(b) The public transit motor-bus-only lane pilot program shall:

(1) provide for the use by public transit motor buses of highway shoulders as a low-speed bypass of congested highway lanes when the speed of vehicles being operated on the main traveled part of the adjacent highways is 35 miles per hour or less;

(2) limit the maximum speed of a public transit motor bus being operated on a public transit motor-bus-only lane to not more than 15 miles per hour greater than the speed of vehicles being operated on the main traveled part of the adjacent highway;

(3) gain local operational experience with the conversion of existing highway shoulders to public transit motor-bus-only lanes during peak traffic periods;

(4) take into consideration the following:

(A) safety;

(B) travel time and reliability;

(C) driver and passenger perceptions;

(D) level of service and maintenance; and

(E) capital improvements; and

(5) be limited only to public transit motor buses operated by the mass transit authorities or municipal mass transit departments in the counties specified by Subsection (a).

(c) The department shall initiate the public transit motor-bus-only lane pilot program as soon as practicable but not later than December 31, 2009.

(d) Notwithstanding Subsection (a), the department may not establish or operate a public transit motor-bus-only lane on a highway or toll facility maintained by a regional tollway authority established under Chapter 366 without the authority's consent.

SECTION 2. Section 542.002, Transportation Code, is amended to read as follows:

Sec. 542.002. GOVERNMENT VEHICLES. A provision of this subtitle applicable to an operator of a vehicle applies to the operator of a vehicle owned or operated by the United States, this state, or a political subdivision of this state, except as specifically provided otherwise by this subtitle [~~for an authorized emergency vehicle~~].

SECTION 3. Subsection (c), Section 545.058, Transportation Code, is amended to read as follows:

(c) A limitation in this section on driving on an improved shoulder does not apply to:

- (1) an authorized emergency vehicle responding to a call;
- (2) a police patrol; ~~or~~
- (3) a bicycle; or
- (4) a public transit motor bus of a transportation entity described by Section

455.006 operating on a shoulder designated by the Texas Department of Transportation under that section.

SECTION 4. Section 545.352, Transportation Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The maximum speed limit for a public transit motor bus of a transportation entity described by Section 455.006 that is operating on the shoulder of a highway designated as a public transit motor-bus-only lane by the Texas Department of Transportation under that section is 35 miles per hour.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

The amendment was read.

Senator Wentworth moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 434** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Wentworth, Chair; Shapleigh, Carona, Watson, and Shapiro.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

HB 313 to Committee on Jurisprudence.

HB 821 to Committee on Business and Commerce.

HB 972 to Committee on Business and Commerce.

HB 1669 to Committee on Natural Resources.

HB 1795 to Committee on Health and Human Services.

HB 1993 to Committee on Natural Resources.

HB 2000 to Committee on State Affairs.

HB 2224 to Committee on Health and Human Services.

HB 2730 to Committee on Government Organization.

HB 2783 to Committee on Natural Resources.

HB 2919 to Committee on Veteran Affairs and Military Installations.

HB 2989 to Committee on Criminal Justice.

HB 3232 to Committee on Health and Human Services.

HB 3255 to Committee on Transportation and Homeland Security.

HB 3480 to Committee on State Affairs.
HB 3594 to Committee on Criminal Justice.
HB 3601 to Committee on Jurisprudence.
HB 3672 to Committee on Transportation and Homeland Security.
HB 3857 to Committee on Jurisprudence.
HB 3864 to Committee on Natural Resources.
HB 4009 to Committee on Criminal Justice.
HB 4061 to Committee on Transportation and Homeland Security.
HB 4106 to Committee on Intergovernmental Relations.
HB 4299 to Committee on Natural Resources.
HB 4374 to Committee on Administration.
HB 4772 to Committee on Intergovernmental Relations.
HB 4833 to Committee on Jurisprudence.
HJR 128 to Committee on Natural Resources.

SENATE BILL 956 WITH HOUSE AMENDMENTS

Senator West called **SB 956** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 956** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the establishment of a law school in the city of Dallas by the University of North Texas System.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 105.001, Education Code, is amended to read as follows:

Sec. 105.001. UNIVERSITY OF NORTH TEXAS SYSTEM. The University of North Texas System is composed of:

- (1) the University of North Texas;
- (2) the University of North Texas Health Science Center at Fort Worth;

[and]

- (3) the University of North Texas at Dallas; and
- (4) the University of North Texas College of Law.

SECTION 2. Section 105.151, Education Code, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) Venue for a suit filed solely against the University of North Texas College of Law or against officers or employees of the University of North Texas College of Law is in Dallas County.

(d) In case of a conflict between Subsection (a), (b), [~~or~~] (c), or (c-1) and any other law, Subsection (a), (b), [~~or~~] (c), or (c-1) controls.

SECTION 3. Subchapter J, Chapter 105, Education Code, is amended by adding Section 105.502 to read as follows:

Sec. 105.502. UNIVERSITY OF NORTH TEXAS SYSTEM COLLEGE OF LAW. (a) The board may establish and operate a school of law in the city of Dallas as a professional school of the University of North Texas System.

(b) In administering the law school, the board may prescribe courses leading to customary degrees offered at other leading American schools of law and may award those degrees.

(c) Until the University of North Texas at Dallas has been administered as a general academic teaching institution for five years, the board shall administer the law school as a professional school of the system. After that period, the law school shall become a professional school of the University of North Texas at Dallas. Until the law school becomes a professional school of the University of North Texas at Dallas, the law school:

(1) is considered an institution of higher education under Section 61.003 for all purposes under other law; and

(2) is entitled to formula funding as if the law school were a professional school of a general academic teaching institution.

(d) Before the board establishes a law school under this section, but not later than June 1, 2010, the Texas Higher Education Coordinating Board shall prepare a feasibility study to determine the actions the system must take to obtain accreditation of the law school. The Texas Higher Education Coordinating Board shall deliver a copy of the study to the chair of each legislative standing committee or subcommittee with jurisdiction over higher education.

SECTION 4. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.1775 to read as follows:

Sec. 55.1775. UNIVERSITY OF NORTH TEXAS SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the University of North Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, or other facilities, including roads and related infrastructure, for the law school established in the city of Dallas by the University of North Texas System, to be financed by the issuance of bonds in accordance with this subchapter, including bonds issued in accordance with a systemwide revenue financing program and secured as provided by that program, in an aggregate principal amount not to exceed \$40 million.

(b) The board of regents may pledge irrevocably to the payment of the bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the University of North Texas System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board of regents to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the University of North Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

SECTION 5. If this Act receives a vote of at least two-thirds of the membership of each house of the legislature, the University of North Texas College of Law created under Section 105.502, Education Code, as added by this Act, is entitled to participate in the funding provided by Section 17, Article VII, Texas Constitution.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Floor Amendment No. 1

Amend **CSSB 956** (House committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill to read as follows:

SECTION _____. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0665 to read as follows:

Sec. 61.0665. STUDY REGARDING ESTABLISHMENT OF LAW SCHOOLS. (a) The board shall conduct a study to examine the need for and feasibility of establishing a public law school in areas of the state where a law school is not located, including the Texas-Mexico border region. The study shall be conducted using the same criteria used for determining the need for and feasibility of establishing the University of North Texas College of Law.

(b) Not later than November 1, 2010, the board shall report the results of the study required by Subsection (a) to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each legislative standing committee with primary jurisdiction over higher education.

(c) This section expires January 31, 2011.

The amendments were read.

Senator West moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 956** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators West, Chair; Shapiro, Duncan, Hinojosa, and Ogden.

SENATE BILL 1005 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 1005** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1005** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the regulation of polygraph examiners by the Texas Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1703.003, Occupations Code, is amended by amending Subdivisions (1), (2), and (5) and adding Subdivision (1-a) to read as follows:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(1-a) "Committee" [~~"Board"~~] means the Polygraph Advisory Committee [~~Examiners Board~~].

(2) "Department" means the Texas Department of Licensing and Regulation [~~Public Safety of the State of Texas~~].

(5) "Polygraph examiner internship" means a course of study of polygraph examinations and of the administration of polygraph examinations by a trainee under the personal supervision and control of a polygraph examiner as prescribed by the department [~~board~~] at the beginning of the internship.

SECTION 2. The heading to Subchapter B, Chapter 1703, Occupations Code, is amended to read as follows:

SUBCHAPTER B. POLYGRAPH ADVISORY COMMITTEE [~~EXAMINERS BOARD~~]

SECTION 3. The heading to Section 1703.051, Occupations Code, is amended to read as follows:

Sec. 1703.051. COMMITTEE [~~BOARD~~] MEMBERSHIP.

SECTION 4. Subsections (a), (c), (d), and (e), Section 1703.051, Occupations Code, are amended to read as follows:

(a) The Polygraph Advisory Committee [~~Examiners Board~~] consists of five [~~seven~~] members appointed by the presiding officer of the commission, with the approval of the commission, [~~governor with the advice and consent of the senate~~] as follows:

(1) two polygraph examiner members who are qualified polygraph examiners for a governmental law enforcement agency;

(2) two polygraph examiner members who are qualified polygraph examiners in the commercial field; and

(3) one member [~~three members~~] who represents [~~represent~~] the public.

(c) A polygraph examiner member must [~~and~~]
[~~(+)~~] be actively engaged as a polygraph examiner on the date of appointment[; and

[~~(2) have been engaged as a polygraph examiner for at least five consecutive years before the date of appointment~~].

(d) Two committee [~~board~~] members may not be employed by the same person.

(e) Appointments to the committee [board] shall be made without regard to the race, color, disability [~~creed~~], sex, religion, or national origin of the appointee.

SECTION 5. Section 1703.054, Occupations Code, is amended to read as follows:

Sec. 1703.054. TERMS; VACANCY. (a) Committee [Board] members serve staggered six-year terms.

(b) If a vacancy occurs on the committee [board], the presiding officer of the commission, with the commission's approval, [governor] shall appoint a successor to fill the unexpired term.

SECTION 6. Section 1703.055, Occupations Code, is amended to read as follows:

Sec. 1703.055. PRESIDING OFFICER [OFFICERS]. The presiding officer of the commission, with the commission's approval, [board] shall appoint a member of the committee to serve as [elect from among its members a] presiding officer of the committee for a two-year term~~[, assistant presiding officer, and secretary]~~.

SECTION 7. Subchapter B, Chapter 1703, Occupations Code, is amended by adding Section 1703.058 to read as follows:

Sec. 1703.058. COMMITTEE DUTIES. The committee shall advise the commission on:

- (1) educational requirements for a polygraph examiner;
- (2) the contents of a licensing examination;
- (3) technical issues related to a polygraph examination;
- (4) the specific offenses for which a conviction would constitute grounds for the department to take action under Section 53.021; and
- (5) administering and enforcing this chapter.

SECTION 8. Section 1703.202, Occupations Code, is amended to read as follows:

Sec. 1703.202. LICENSE APPLICATION. An application for a polygraph examiner license must:

- (1) be made to the department ~~[board's secretary in writing under oath]~~ on a form prescribed by the department ~~[board]~~;
- (2) be accompanied by the required nonrefundable fee; and
- (3) include any information the department [board] considers necessary to evaluate the applicant's qualifications.

SECTION 9. Section 1703.203, Occupations Code, is amended to read as follows:

Sec. 1703.203. QUALIFICATIONS FOR LICENSE. (a) A person is qualified for a polygraph examiner license if the person:

- (1) has not been convicted of an offense that directly relates to the duties and responsibilities of a polygraph examiner ~~[a misdemeanor involving moral turpitude or a felony]~~;
- (2) either:

(A) holds a baccalaureate degree from a college or university accredited by an organization designated by the department [board] that the department [board] determines has accreditation standards ensuring a high level of student scholarship; or

(B) has active investigative experience during the five years preceding the date of application;

(3) either:

(A) is a graduate of a department-approved [~~board-approved~~] polygraph examiners course and has satisfactorily completed at least six months of a polygraph examiner internship; or

(B) has satisfactorily completed at least 12 months of a polygraph examiner internship; and

(4) has passed an examination conducted by, [~~or~~] under the supervision of, or approved by the department [~~board~~] to determine the person's competency for a license.

(b) The commission [~~board~~] by rule shall establish:

(1) the specific offenses that disqualify an applicant under Subsection (a)(1); and

(2) the criteria by which the department [~~board~~] evaluates an applicant's compliance with the active investigative experience requirement established by Subsection (a)(2)(B).

(c) The department [~~board~~] shall provide for an examination under this chapter to be administered in three-month intervals.

SECTION 10. Section 1703.205, Occupations Code, is amended to read as follows:

Sec. 1703.205. ISSUANCE OF LICENSE; SURETY BOND OR INSURANCE POLICY REQUIREMENT. (a) Before a polygraph examiner license is issued, the person to whom the license is to be issued must provide to the department [~~board~~] evidence of a surety bond or insurance policy that:

(1) is in the amount of \$5,000; and

(2) requires the obligor on the bond or policy to pay, to the extent of the face amount of the bond or policy, all judgments recovered against the license holder for any wrongful or illegal act committed by the license holder in the course of administering a polygraph examination.

(b) Each license must be [~~signed by the board members and~~] issued by [~~under~~] the department [~~board seal~~].

SECTION 11. Subsections (a) and (c), Section 1703.206, Occupations Code, are amended to read as follows:

(a) An applicant for the issuance or renewal of a polygraph examiner license who is not a resident of this state, in addition to meeting all other requirements for a license, must file with the department [~~board~~] an irrevocable consent to have:

(1) an action against the applicant filed in a court of a county or municipality of this state in which:

(A) the plaintiff resides; or

(B) a part of the transaction out of which the alleged cause of action arose occurred; and

(2) process in the action served on the applicant by leaving two copies of the process with the department [~~board's secretary~~].

(c) The department [~~board's secretary~~] shall immediately send by registered or certified mail a copy of the process to the applicant at the address shown on department [~~board~~] records.

SECTION 12. Section 1703.207, Occupations Code, is amended to read as follows:

Sec. 1703.207. APPLICANT WITH OUT-OF-STATE LICENSE. The executive director [~~board~~] may waive any license requirement for an applicant who holds a license from another state that has license requirements substantially equivalent to those of this state.

SECTION 13. Subsections (b), (c), and (d), Section 1703.208, Occupations Code, are amended to read as follows:

(b) The department may [~~On board approval, the secretary of the board shall~~] issue a polygraph examiner internship license to an applicant who applies for the license and pays the required fee [~~at least 10 days before the date the internship begins~~]. The application must contain any information required by the department [~~board~~].

(c) A polygraph examiner internship license expires on the first anniversary of the date of issuance and [~~On good cause shown to the board, the license~~] may be [~~extended or~~] renewed once [~~for not more than six months~~].

(d) After the expiration of the original term of a polygraph examiner internship license and any extension or renewal of that license granted by the department [~~board~~], a trainee may not hold another internship license before the first anniversary of the date the trainee's previous internship license expired.

SECTION 14. Subsection (a), Section 1703.252, Occupations Code, is amended to read as follows:

(a) The commission [~~board~~] by rule may adopt a system under which polygraph examiner licenses expire on various dates during the year.

SECTION 15. Subsection (b), Section 1703.254, Occupations Code, is amended to read as follows:

(b) A person eligible for license renewal under Subsection (a) must, before the second anniversary of the date the service, training, or education terminates, pay to the department [~~board~~] the required renewal fee and certify [~~provide~~] to the department [~~board an affidavit stating~~] that:

- (1) the person was engaged in the service, training, or education; and
- (2) termination of the service, training, or education occurred under an honorable condition.

SECTION 16. Subsection (a), Section 1703.255, Occupations Code, is amended to read as follows:

(a) The department [~~board~~] may recognize, prepare, or implement continuing education programs for polygraph examiners and trainees.

SECTION 17. Section 1703.301, Occupations Code, is amended to read as follows:

Sec. 1703.301. LICENSE HOLDER INFORMATION. [~~(a)~~] A polygraph examiner shall notify the department [~~secretary of the board~~] in writing of a change in the examiner's principal business location not later than the 30th day after the date the change is made.

~~[(b) Failure to notify the secretary as required by Subsection (a) results in automatic suspension of the examiner's license.]~~

SECTION 18. Subsection (b), Section 1703.306, Occupations Code, is amended to read as follows:

(b) The department [~~board~~] or any other governmental agency that acquires information from a polygraph examination under this section shall maintain the confidentiality of the information.

SECTION 19. Subchapter G, Chapter 1703, Occupations Code, is amended by adding Section 1703.307 to read as follows:

Sec. 1703.307. INFORMATION INCLUDED IN CONTRACT FOR SERVICES AND WAIVER OF LIABILITY. A written contract for a polygraph examiner's services and a waiver of liability signed by the subject of a polygraph examination must:

(1) inform the subject of the procedures to file a complaint against the examiner with the department; and

(2) contain the name, mailing address, and telephone number of the department.

SECTION 20. Section 1703.351, Occupations Code, is amended to read as follows:

Sec. 1703.351. LICENSE DENIAL AND DISCIPLINARY ACTION. (a) The department may [~~board shall~~] take action authorized under Subsection (b) against an applicant or license holder who:

(1) wilfully violates this chapter or a rule adopted under this chapter;

(2) violates Section 1703.306(a);

(3) wilfully aids or abets another to violate this chapter or a rule adopted under this chapter;

(4) allows the person's license issued under this chapter to be used by an unlicensed person in violation of this chapter;

(5) makes a material misstatement in an application for the issuance or renewal of a license;

(6) makes a wilful misrepresentation or false promise or causes the printing of a false or misleading advertisement to directly or indirectly obtain business or trainees;

(7) fails to inform a subject to be examined:

(A) of the nature of the examination; and

(B) that the subject's participation in the examination is voluntary;

(8) fails to inform the subject of an examination of the examination results on request;

(9) violates Section 51.151, Family Code;

(10) wilfully makes a false report concerning an examination for polygraph examination purposes;

(11) fails to provide within a reasonable time information requested by the department [~~board's secretary~~] as the result of a formal complaint to the department [~~board~~] alleging a violation of this chapter;

(12) demonstrates unworthiness or incompetency to act as a polygraph examiner;

(13) is convicted of an offense that directly relates to the duties and responsibilities of a polygraph examiner [~~a misdemeanor involving moral turpitude or a felony~~]; or

(14) is found to be incapacitated as provided by the Probate Code.

(b) On determining that an applicant or license holder has engaged in an act listed in Subsection (a), the department [~~board~~] shall:

- (1) deny [~~refuse to issue~~] a license to the applicant;
- (2) revoke or suspend the person's license; or
- (3) reprimand the person.

(c) The department [~~board~~] may probate a license suspension.

SECTION 21. Section 1703.353, Occupations Code, is amended to read as follows:

Sec. 1703.353. SURRENDER OF LICENSE. [~~(a)~~] A license holder whose license is suspended or revoked shall immediately surrender the license to the department [~~board's secretary~~].

~~[(b) The board's secretary shall restore a suspended or revoked license to the license holder on the board's written recommendations.]~~

SECTION 22. Section 1703.354, Occupations Code, is amended to read as follows:

Sec. 1703.354. EFFECT OF VIOLATION ON EMPLOYER. If a polygraph examiner or trainee engages in an unlawful act or a violation of this chapter, the department [~~board~~] may not revoke the license of the polygraph examiner who employed the examiner or trainee unless the department [~~board~~] is satisfied that the employer willfully or negligently aided or abetted the examiner or trainee in the unlawful act or violation.

SECTION 23. Section 1703.355, Occupations Code, is amended to read as follows:

Sec. 1703.355. ADMINISTRATIVE PROCEDURE [~~JUDICIAL REVIEW~~]. The administrative procedures under Sections 51.310, 51.353, and 51.354 apply to a disciplinary action taken under this chapter. [~~(a) A person may appeal an action of the board, including the refusal to issue a license to the person or the suspension or revocation of the person's license, by timely filing a petition in a district court in the county in which the person resides or in Travis County.~~

~~[(b) An appeal of a board action is governed by Chapter 2001, Government Code.]~~

SECTION 24. Subchapter H, Chapter 1703, Occupations Code, is amended by adding Section 1703.356 to read as follows:

Sec. 1703.356. APPEAL. (a) An appeal of a department action under this chapter is governed by Chapter 2001, Government Code.

(b) The standard of review is under the substantial evidence rule.

SECTION 25. Subsection (a), Section 1703.401, Occupations Code, is amended to read as follows:

(a) If a person violates this chapter, the department, [~~board's secretary, on direction of a majority of the board and~~] through the attorney general, shall apply in the state's name in district court for an order to enjoin the violation of or to enforce compliance with this chapter.

SECTION 26. Subsection (d), Section 411.122, Government Code, is amended to read as follows:

- (d) The following state agencies are subject to this section:
- (1) Texas Appraiser Licensing and Certification Board;
 - (2) Texas Board of Architectural Examiners;
 - (3) Texas Board of Chiropractic Examiners;
 - (4) State Board of Dental Examiners;
 - (5) Texas Board of Professional Engineers;
 - (6) Texas Funeral Service Commission;
 - (7) Texas Board of Professional Geoscientists;
 - (8) Department of State Health Services, except as provided by Section 411.110, and agencies attached to the department, including:
 - (A) Texas State Board of Examiners of Dietitians;
 - (B) Texas State Board of Examiners of Marriage and Family Therapists;
 - (C) Midwifery Board;
 - (D) Texas State Board of Examiners of Perfusionists;
 - (E) Texas State Board of Examiners of Professional Counselors;
 - (F) Texas State Board of Social Worker Examiners;
 - (G) State Board of Examiners for Speech-Language Pathology and Audiology;
 - (H) Advisory Board of Athletic Trainers;
 - (I) State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;
 - (J) Texas Board of Licensure for Professional Medical Physicists; and
 - (K) Texas Board of Orthotics and Prosthetics;
 - (9) Texas Board of Professional Land Surveying;
 - (10) Texas Department of Licensing and Regulation, except as provided by Section 411.093;
 - (11) Texas Commission on Environmental Quality;
 - (12) Texas Board of Occupational Therapy Examiners;
 - (13) Texas Optometry Board;
 - (14) Texas State Board of Pharmacy;
 - (15) Texas Board of Physical Therapy Examiners;
 - (16) Texas State Board of Plumbing Examiners;
 - (17) Texas State Board of Podiatric Medical Examiners;
 - (18) ~~Polygraph Examiners Board;~~
 - ~~(19)~~ Texas State Board of Examiners of Psychologists;
 - ~~(20)~~ Texas Real Estate Commission;
 - ~~(20)~~ ~~(21)~~ Board of Tax Professional Examiners;
 - ~~(21)~~ ~~(22)~~ Texas Department of Transportation;
 - ~~(22)~~ ~~(23)~~ State Board of Veterinary Medical Examiners;
 - ~~(23)~~ ~~(24)~~ Texas Department of Housing and Community Affairs;
 - ~~(24)~~ ~~(25)~~ secretary of state;
 - ~~(25)~~ ~~(26)~~ state fire marshal;
 - ~~(26)~~ ~~(27)~~ Texas Education Agency; and
 - ~~(27)~~ ~~(28)~~ Department of Agriculture.

SECTION 27. Subsection (a), Section 2054.352, Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353:

- (1) Texas Board of Chiropractic Examiners;
- (2) Court Reporters Certification Board;
- (3) State Board of Dental Examiners;
- (4) Texas Funeral Service Commission;
- (5) Texas Board of Professional Land Surveying;
- (6) Texas Medical Board;
- (7) Texas Board of Nursing;
- (8) Texas Optometry Board;
- (9) Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;
- (10) Texas State Board of Pharmacy;
- (11) Executive Council of Physical Therapy and Occupational Therapy Examiners;
- (12) Texas State Board of Plumbing Examiners;
- (13) Texas State Board of Podiatric Medical Examiners;
- (14) Board of Tax Professional Examiners;
- (15) ~~Polygraph Examiners Board;~~
- ~~(16)~~ Texas State Board of Examiners of Psychologists;
- ~~(17)~~ ~~(17)~~ State Board of Veterinary Medical Examiners;
- ~~(18)~~ ~~(18)~~ Texas Real Estate Commission;
- ~~(19)~~ ~~(19)~~ Texas Appraiser Licensing and Certification Board;
- ~~(20)~~ ~~(20)~~ Texas Department of Licensing and Regulation;
- ~~(21)~~ ~~(21)~~ Texas State Board of Public Accountancy;
- ~~(22)~~ ~~(22)~~ State Board for Educator Certification;
- ~~(23)~~ ~~(23)~~ Texas Board of Professional Engineers;
- ~~(24)~~ ~~(24)~~ Department of State Health Services;
- ~~(25)~~ ~~(25)~~ Texas Board of Architectural Examiners;
- ~~(26)~~ ~~(26)~~ Texas Racing Commission;
- ~~(27)~~ ~~(27)~~ Commission on Law Enforcement Officer Standards and Education; and
- ~~(28)~~ ~~(28)~~ Texas Private Security Board.

SECTION 28. The following laws are repealed:

- (1) Section 1703.005, Occupations Code;
- (2) Section 1703.052, Occupations Code;
- (3) Section 1703.053, Occupations Code;
- (4) Section 1703.056, Occupations Code;
- (5) Section 1703.057, Occupations Code;
- (6) Subchapters C and D, Chapter 1703, Occupations Code;
- (7) Section 1703.204, Occupations Code;
- (8) Section 1703.253, Occupations Code; and
- (9) Section 1703.352, Occupations Code.

SECTION 29. As soon as possible after the effective date of this Act, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint the members of the Polygraph Advisory Committee in accordance with Chapter 1703, Occupations Code, as amended by this Act. In making the initial appointments, the presiding officer shall designate two members for terms expiring February 1, 2011, two members for terms expiring February 1, 2013, and one member for a term expiring February 1, 2015.

SECTION 30. (a) The Polygraph Examiners Board is abolished but continues in existence until January 1, 2010, for the sole purpose of transferring obligations, property, full-time equivalent positions, rights, powers, and duties to the Texas Department of Licensing and Regulation. The department assumes all of the obligations, property, full-time equivalent positions, rights, powers, and duties of the board as it exists immediately before the effective date of this Act. All unexpended funds appropriated to the board are transferred to the department. The transfer of the obligations, property, full-time equivalent positions, rights, powers, and duties of the board to the department must be completed not later than January 1, 2010.

(b) All rules of the Polygraph Examiners Board are continued in effect as rules of the Texas Commission of Licensing and Regulation until superseded by a rule of the commission. A license issued by the board is continued in effect as provided by the law in effect immediately before the effective date of this Act. A complaint, investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status of the parties after the effective date of this Act. An activity conducted by the board is considered to be an activity conducted by the department.

(c) A reference in another law or an administrative rule to the Polygraph Examiners Board means the Texas Department of Licensing and Regulation.

(d) Before July 15, 2009, the Department of Public Safety of the State of Texas and the Texas Department of Licensing and Regulation shall develop and enter into a memorandum of understanding relating to the transfer of functions relating to polygraph examiners from the Department of Public Safety to the Texas Department of Licensing and Regulation as provided by this Act. The memorandum must include a transition plan with a timetable with specific steps and deadlines needed to complete the transfer.

SECTION 31. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 1005**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1146 REREFERRED

Senator Williams submitted a Motion In Writing requesting that **HB 1146** be withdrawn from the Committee on Administration and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills tomorrow:

HB 103, HB 456, HB 1924, HB 2585.

SENATE RULE 11.18(a) SUSPENDED
(Public Hearings)

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Administration might consider **HB 63** today.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 938 by Ellis, In memory of Dolores Longoria Garcia of Laredo.

SR 940 by Van de Putte, In memory of Sister Mary Immaculate Gentemann of San Antonio.

SR 949 by Hinojosa, In memory of Francisco L. "Frank" Quintanilla of Corpus Christi.

HCR 165 (Eltife), In memory of Gratie Mae Potts of Clarksville.

HCR 167 (Eltife), In memory of Robert Brownfield of Paris, Texas.

HCR 169 (Eltife), In memory of Patsy Bell Rosson of Paris, Texas.

HCR 170 (Eltife), In memory of Jimmy E. Upton of Blossom.

HCR 190 (Eltife), In memory of volunteer firefighter Joe Pat Jordan of Pine Forest.

HCR 191 (Eltife), Honoring the memory of William S. "Pete" Long of Hopkins County.

HCR 195 (Eltife), In memory of Robert Dale House of Johntown.

HCR 196 (Eltife), In memory of Judy Broach Hammonds of Mount Pleasant.

HCR 197 (Eltife), In memory of Paul Alford Middleton of Annona.

HCR 198 (Eltife), In memory of Hubert H. Wiley of Clarksville.

HCR 199 (Eltife), In memory of George I. Richardson of Paris, Texas.

HCR 200 (Eltife), Honoring the life of Gratie Mae Potts of Clarksville.

HCR 201 (Eltife), In memory of Doris L. Joplin of Powderly.

HCR 202 (Eltife), In memory of Dorthy Matthews of Mount Pleasant.

HCR 203 (Eltife), In memory of Lessie Nelson of Mount Vernon.

HCR 206 (Eltife), In memory of Christian Tyler Dunn-Donihoo of Mount Pleasant.

HCR 207 (Eltife), In memory of Jack Ray Stevenson of Bogata.

HCR 208 (Eltife), In memory of Herbert Hugh Campbell of Paris.

HCR 212 (Eltife), In memory of J. B. Lowry of Paris, Texas.

HCR 215 (Eltife), In memory of Alvis Leo Caldwell of Paris, Texas.

Welcome and Congratulatory Resolutions

SR 936 by Duncan, Recognizing the Republic of Texas Independence Day Celebration Cook-off for its designation as a Texas State Barbecue Championship competition.

SR 939 by Uresti, Recognizing Dury's Gun Shop in San Antonio on the occasion of its 50th anniversary.

SR 941 by Ellis, Congratulating Michele and Brent Rose on the occasion of the birth of their daughter, Eliza Jane Rose.

SR 942 by Ellis, Congratulating Christopher D. Duncan for receiving the 2008 State of Texas Law Enforcement Achievement Award for Professional Achievement from the Texas Commission on Law Enforcement Officer Standards and Education.

SR 943 by Ellis, Congratulating Christopher M. Zamora for receiving the 2008 State of Texas Law Enforcement Achievement Award for Professional Achievement from the Texas Commission on Law Enforcement Officer Standards and Education.

SR 944 by Nelson, Recognizing the 21st anniversary of the sister-state relationship between the State of Texas and Taiwan.

SR 946 by Ellis, Recognizing Frank Rollins of Houston for his contributions to the legacy of Pullman porters.

SR 947 by Ellis, Congratulating Thomas R. Diaz, Raymond L. Salazar, Erik L. Barron, and David M. Bair for receiving the 2008 State of Texas Law Enforcement Achievement Award for Valor from the Texas Commission on Law Enforcement Officer Standards and Education.

SR 948 by Averitt, Commending Transforming Texas Waterfronts for its contributions to our state's waterfront infrastructure.

HCR 10 (Ellis), Commemorating the 200th anniversary of the birth of Abraham Lincoln.

HCR 65 (Duncan), Honoring Dr. James R. Reckner on his retirement from Texas Tech University.

HCR 97 (Duncan), Welcoming German exchange student Carolin Bosche on the occasion of her visit to the State Capitol on March 16 and 17, 2009.

HCR 141 (Duncan), Congratulating Stacie George of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

HCR 142 (Duncan), Congratulating Cathy Pope of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

HCR 143 (Duncan), Congratulating Jennifer McGrew of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

HCR 144 (Duncan), Congratulating Mitzi Jo Hopper Ziegner of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

HCR 145 (Duncan), Congratulating Christina Esperat of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

HCR 146 (Duncan), Congratulating Sally Kipyego of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

HCR 147 (Duncan), Congratulating Melinda Corwin of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

HCR 178 (Duncan), Congratulating Louise Hopkins Underwood of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

HCR 179 (Duncan), Congratulating Margarita Olivarez of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

HCR 221 (Ogden), Honoring Church of the Hills for its spiritual support during the 81st Legislative Session.

HCR 226 (Shapleigh), Commemorating the 125th anniversary of the Lucchese Boot Company.

Official Designation Resolutions

HCR 85 (Hegar), Declaring March 10, 2009, as Matagorda County Day at the State Capitol.

HCR 94 (Ellis), Proclaiming April 2009 as Jazz Appreciation Month in Texas.

HCR 189 (Eltife), Designating April 23, 2009, as Lamar County Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:02 p.m. adjourned, in memory of Cohnway Matthew Johnson, Damion Jon Hobbs, and Captain James Arthur Harlow, Sr., until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 18, 2009

NATURAL RESOURCES — **CSHB 3346**

GOVERNMENT ORGANIZATION — **CSSB 266**

AGRICULTURE AND RURAL AFFAIRS — **SB 2587**

INTERGOVERNMENTAL RELATIONS — **SB 2579, HB 2558, HB 3854, HB 2835, HB 2827, HB 2726, HB 4540, HB 4748, HB 1802, HB 1960, HB 2228, HB 2333, HB 1177, HB 2529, HB 4275, HB 3668, HB 2906, HB 1029, HB 846, HB 807, HB 527, HB 473, HB 3398, HB 2994, HB 2665, HB 2549, HB 1366, HB 878**

JURISPRUDENCE — **CSHB 1969, CSHB 3515**

INTERGOVERNMENTAL RELATIONS — **CSHB 1030, CSHB 2515, CSHB 3487, HB 4139**

FINANCE — **CSHB 422, CSHB 986**

HEALTH AND HUMAN SERVICES — **CSHB 461, CSHB 748, CSHB 3717**

NATURAL RESOURCES — **CSHB 1883**

BUSINESS AND COMMERCE — **HB 1757, HB 1975, HB 2449, HB 2548, HB 3945, CSSB 2238**

CRIMINAL JUSTICE — **CSHB 107**

INTERGOVERNMENTAL RELATIONS — **CSSB 2560, CSSB 2561, CSSB 2562, CSHB 1113, CSHB 1819, CSHB 2113, CSHB 2344, CSHB 2450, CSHB 2647, CSHB 3004, CSHB 4720, CSHB 4727, CSHB 4789, CSHB 4779, CSHB 3851**

TRANSPORTATION AND HOMELAND SECURITY — **HB 537, HB 646, HB 2556, HB 3057, HB 3070, HB 4102, HB 4465, HB 4493**

CRIMINAL JUSTICE — **HB 2161** (Amended)

EDUCATION — **CSHB 4152**

BILLS ENGROSSED

May 15, 2009

SB 666, SB 2177, SB 2491, SB 2553, SB 2555, SB 2576, SB 2577

BILLS AND RESOLUTIONS ENROLLED

May 15, 2009

SB 61, SB 63, SB 254, SB 1415, SB 1506, SB 1661, SB 2038, SCR 58, SCR 68, SCR 69, SCR 71, SR 883, SR 921, SR 922, SR 923, SR 924, SR 925, SR 926, SR 927, SR 928, SR 930, SR 931, SR 932, SR 933, SR 934, SR 935

SENT TO GOVERNOR

May 18, 2009

SB 61, SB 63, SB 254, SB 1415, SB 1506, SB 1661, SB 2038, SCR 58, SCR 68, SCR 69, SCR 71

In Memory
of
Cohnway Matthew Johnson
Senate Resolution 912

WHEREAS, The Senate of the State of Texas joins the citizens of Rockdale in mourning the loss of Cohnway Matthew Johnson, who died May 4, 2009, at the age of 26; and

WHEREAS, A 2001 graduate of Pflugerville High School, Cohnway attended Stephen F. Austin University in Nacogdoches; he graduated from the Taylor Fire Academy in May of 2004; and

WHEREAS, He began his professional firefighting and emergency medical technician career with the fire department in Yoakum, and he had worked with fire departments in the Manor, Oak Hill, and Westlake areas; in May of 2006, he joined the Oak Hill Fire Department, where he served with distinction; he had recently begun training with the Houston Fire Department; and

WHEREAS, Cohnway was dedicated to his work as a firefighter and was committed to achieving his highest potential in the profession; he was loyal and dependable and will be greatly missed by the firefighters with whom he worked; and

WHEREAS, He was an exemplary young man who was known for his kind-heartedness and concern for the well-being of others; and

WHEREAS, Cohnway Johnson was beloved by his family and friends, and he leaves behind memories that will be deeply treasured by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby extend sincere condolences to the bereaved family of Cohnway Matthew Johnson: his parents, Clifford M. and Candy Johnson; his brother, Christopher M. Johnson; his grandparents, Bernice Britton and Clifford and Mary Lou Johnson; and his many other beloved relatives; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Cohnway Johnson.

WATSON